

CR 76129

orl

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A Discussion by W. Stanley Kruger
of Title IV of the Civil Rights Act of 1964

Washington, D. C.

13 August 1968

NOTE: THIS TRANSCRIPT WAS PREPARED FROM A TAPE
RECORDING

P R O C E E D I N G S

1
2 MR. KRUGER: I'm Stanley Kruger. I am Chief of
3 Region V in the Innovative Centers Branch in the Office of
4 Education, the unit that administers Title III of the
5 Elementary and Secondary Education Act of 1965.

6 I am going to discuss some of the major problems
7 and issues that I saw in working with Title IV of the Civil
8 Rights Act of 1964. The first occasion that I had to work
9 in this program was in the summer of 1963, after approximately
10 three months working in one of the Office of Education's
11 first endeavors in civil rights, the establishment of a
12 foundation-supported school in Prince Edward County, Vir-
13 ginia.

14 I was asked to go from that activity to the
15 task force that Commissioner Keppel appointed to investigate
16 the responsibilities of the Office of Education under the
17 then pending Civil Rights Act of 1963, and to develop with
18 a group of other Office members some procedures that we might
19 use to carry out OE's responsibilities in that area.

20 This task force was chaired by John Luddington.
21 Some of the other people who were on it included Dave
22 Secley, who was a special assistant to the Commissioner,
23 and I think there were altogether about nine of us, probably
24 who worked in the program.

25 We started on the Title IV task force, on the
civil rights task force, actually -- our efforts were con-

1
2 concentrated for the most part on Title IV. We did not explore
3 Title VI or any of the problems related to that at this
4 particular time. The chief activities of the task force
5 were to try to find out what was being done by other agencies
6 and this included the Urban League, NAACP, the Anti-Defama-
7 tion League, B'nai B'rith, and other civil rights groups.

8 We also tried to see what was being done, partic-
9 ularly by universities and colleges, in teacher training
10 aspects of civil rights, human rights, human relations,
11 things of this kind, and then we tried to spell out what the
12 Office might do.

13 One -- well, let me say this: there were several
14 parts the legislation already pretty well specified, in
15 draft legislation, calling for technical assistance and
16 institute programs somewhat similar to the NDA Institutes,
17 and a grant to school board program, also a feature that
18 was eventually dropped, which was a provision to provide
19 loans to school boards having some difficulties in desegre-
20 gating schools.

21 There had been prior to this task force, in fact
22 prior to Commissioner Keppel coming to the Office of Educa-
23 tion, a small effort made under Commissioner McMurrin to
24 establish a clearing-house on materials relating to problems
25 of desegregation. There was a conference -- I can recall
at this time that Gene Graham at the University of Maryland

was in attendance, and Dr. Graham worked with us for some time in the early stages of implementing Title IV, and probably was the only person to bridge those two Administrations.

But nothing came of the McMurrin effort, aside from the conference and a recommendation that a clearing-house be established on the eve of an OE staff member being appointed as a one-specialist clearing-house -- the member decided to take an appointment with Agency for International Development, and McMurrin decided to leave OE -- and the entire effort dropped.

We came up, I think, with a position paper -- you would have to call it sort of a position organization and staffing paper -- at the end of about two and a half months of work in this task force, in the fall of '63. I particularly remember we started about two days before the March on Washington, and I was in the course of activities appointed executive secretary for this group and most responsible for drawing together the position paper, largely because my duties were less demanding than those of the other task force members, I'm sure.

But I recall that I submitted this final draft of this paper just prior to Kennedy's assassination, so we worked in that period of time trying to decide what might do in school desegregation. The entire thrust was of

assistance.

Title IV is voluntary in nature. There was none of the aura of compliance and enforcement that later permeated the OE civil rights efforts, as Title VI was later spelled out to be interpreted to require under the definition of discrimination the desegregation of schools.

In looking at the various assistance programs, I think we looked back to some of the earlier writings of Herb Way and others who published materials for Phi Delta Kappa in the '50s, following the Supreme Court decision of the '50s, and tried to see some parallel between activities that followed the '54 decision of the Supreme Court and the '63-'64 legislation to see if there were some things we could gather here.

There had been a survey taken of Southern school administrators, and it is my understanding that from this survey the original three-part assistance spelled out in Title IV was formulated. These were things that presumably Southern school administrators who were willing to talk about the issue indicated would be of help to them, largely advice and counsel under a variety of means of providing consultant help, or technical assistance, and the training of staff.

I think at this point there was little attention given to the political and educational change facets of accomplishing the desegregation of schools, or even to the

school-community relationships problems that were later to be seen as major stumbling blocks to accomplishing desegregation in most school districts.

So our position paper, then, in November '63 spelled out some anticipated staffing organization calling for a certain number of people to be assigned particular responsibilities in force over the implementation and administration of Title IV.

We gave some illustrative suggestions as to programs. Basically, we had an idea of technical assistance consisting of two parts, one a staff of consultants, mostly specialists in school administration concerned with the problems of superintendency, the questions of transportation, determination of school attendance boundary areas, perhaps some special financial problems -- things of this kind that were system-wide in nature.

Then we envisioned having other specialists in the area of instructional techniques, particularly those techniques that would help the teacher cope with and manage the problems that might occur in the newly integrated school system.

And then, thirdly, we saw the need for educational specialists in curriculum to work with remedial materials, but also to work with special units to bring about better inter-group understanding. The second phase of the technical

1 assistance program that we saw was an expansion of the
2 clearing-house idea that I mentioned earlier had been thought
3 of in McMurrin's administration.

4 And here we thought we would have small staffs of
5 research and materials specialists, and the research would be
6 staff paper kinds of things, emphasizing the drawing together
7 of ideas about problems of desegregation. One small staff
8 in this clearing-house, working mostly with integration
9 problems per se, and other -- the other staff working mostly,
10 again, on curriculum and instructional problems.

11 And the second phase of Title IV was pretty well
12 spelled out in the legislation and by the history of OE,
13 that of institutes. And we envisioned institutes very
14 similar to the short-term summer institutes, with perhaps
15 some idea of longer institutes during the semester, but
16 no one ever developed nor did we envision at that time
17 a full-time master's degree program or anything like this
18 in the area of school desegregation, although eventually
19 we did have one institute that approximated a full-time
20 graduate program at Auburn University in Alabama, in about
21 the second year of the operation of the program.

22 But we saw the need particularly to work with
23 staffs in school districts that were experiencing some kind
24 of integration for the first time, and trying all to work
25 out programs that would bring Negro staff members and white

1 staff members together, preferably not so much to adjust
2 to each other, but to work on problems common to both and
3 through this kind of activity to bring about some inter-
4 group adjustment as well.

5 But as it happened, we saw -- these institutes
6 being, again, largely instructional in nature -- it later
7 developed that we had a variety of kinds of institutes,
8 some of those, I think, somewhat different from anything
9 contemplated in the passage of the legislation, but necessary
10 to the kind of assistance that was needed, particularly in
11 the South

12 The third phase, then, consisted of a two-part
13 direct assistance through grants to local school districts,
14 the grants that provided for in-service training -- and
15 here we had a distinct parallel with the institutes, and it
16 was largely a matter of trying to get institutes -- or,
17 rather, institutions -- of higher education, personnel from
18 these institutions and local school people together in
19 both cases to try to get in the planning stages of the
20 university institutes the involvement of local school
21 people to bring a little more realism to the content of
22 these institutes, and in the local school district in-service
23 training programs, to try to get an early involvement of
24 university people who were less subject to the political
25 problems that most local school system administrators en-

or 1 countered, and also, perhaps, a little more concerned about
2 the development of principles and strategies and techniques
3 rather than just meeting very immediate classroom situations
4 that confronted the local school system administrators.

5 So these were the basic components of Title IV
6 and still are, although I understand that the heavy emphasis
7 at this point is on technical assistance alone. I mention
8 that because I think most of us who worked in Title IV in
9 the first three years of the program felt very strongly that
10 there should be, had to be, a balanced program between
11 consultant help, survey and analysis of a district's problems,
12 staff training to enable the development of resources within
13 the school district to overcome these problems, and also
14 a third phase, the relationship of the local school district
15 to universities and state departments and outside agencies
16 that would use their influence to bring about change in the
17 locality and also provide a strengthened resource, a kind of
18 resource not available in the local school district to cope
19 with problems of desegregation.

20 The school year of 1963-64 was pretty quiet.
21 Occasionally there would be meetings -- I can recall one
22 which Mr. _____ called with Elizabeth Cole, who was
23 then head of the education unit in the Civil Rights Commis-
24 sion, and I recall another meeting of prominent people in
25 civil rights organizations in Virginia who came to the office

1 and had some particular grievances to present, points to make
2 with the Commissioner.

3 And these people were placed in a conference room
4 with various staff members from the office who listened
5 to their problems, but really not much was done. From the
6 late fall of 1963 until late spring of 1964, then it became
7 obvious that there was a good possibility of the passage
8 of the Civil Rights Act.

9 A second task force was assembled. This was
10 very small. It consisted of Mr. Seeley and John Niemeyer,
11 the President of Bank Street College in New York City,
12 and Robert Kreidler, who was then and still is with the
13 Sloan Foundation in New York City -- Kreidler had been
14 on the White House staff at one time and was involved in
15 this particularly because of his knowledge of foundations
16 and government procedures generally.

17 A second staff paper was developed by this task
18 force. It is available for review. It concentrated, however,
19 largely on strategies for Title IV, and went into more
20 detail as to what might be done, particularly in the
21 institute and in-service training programs.

22 And I think the key phase in this paper, or key
23 focus in this paper, would be that of trying to get people
24 who had been separated by statute and by custom and history
25 together to work on common problems and to sort of begin

1 anew.

2 Or the stress was on new approaches, new ideas,
3 so that neither group, the majority or minority, felt par-
4 ticularly disadvantaged at this point. So it was suggested
5 by this group that institutes and in-service training pro-
6 grams focus on new ways of organizing for instruction.

7 And, for example, ungradedness as an approach
8 that would first of all challenge staff members from Negro
9 and white schools in the South, where this approach had not
10 been used, to work together to develop some new ways of
11 organizing -- but, second, to accommodate the wider range
12 of abilities of students who were being involved in the
13 integrated classroom, recognizing that for the most part
14 Negro schools were vastly inferior and even though, as a
15 matter of fact, the early children to integrate from the
16 Negro schools into white schools were probably carefully
17 picked, in most instances, they still for the most part
18 suffered in their achievement and needed some kind of
19 particular compensatory education.

20 So ungradedness was one approach to this, and
21 the idea of team teaching, as it had particular ramifications
22 for integration, was stressed. Here was an opportunity to
23 work with perhaps a staff member who by reasons of segrega-
24 tion had not kept up with the profession, so to speak, as
25 much as those that he or she might join in a situation of

1 faculty integration.

2 So by getting the staff members to focus on their
3 particular strengths and weaknesses and to organize in groups
4 that would maximize the strengths and minimize the weaknesses
5 it was felt that this would not only help the individuals
6 involved in the process, but also help the teaching and
7 learning situation as well.

8 Second was new curriculum ideas -- units in social
9 studies, development of units in social studies to emphasize
10 the matters of Negro history and culture, and attention in
11 language arts to particular speech problems and patterns
12 of minority-group children, things of this kind.

13 And, again, in summary, I think this paper, this
14 staff paper, gave little attention to the problems of school-
15 community relations or administration, but stuck mostly to
16 suggested content for institutes. About this time -- this
17 was probably late May or early June -- the Civil Rights Act
18 was nearing passage.

19 It was signed in July of 1964, and in July and
20 August this small group, particularly Kreidler and Niemeyer,
21 continued as the professional staff on a consultant basis
22 to the Office, traveling here and fitting this work in with
23 their own full-time activities.

24 A secretary was hired, a staff member who at that
25 time was in Oklahoma was employed as the first full-time

1 person to work on school desegregation. The fellow's name
2 was Don Sullivan, and he was employed with the understanding
3 that if the Civil Rights Act passed, he would be one of the
4 staff members of this new group.

5 And if it didn't, the Office still felt that it
6 needed at least one professional staff member to deal with
7 these problems, or at least the correspondence related to
8 them, and I guess in retrospect we will never understand
9 why it took until 1964 for OE to decide this.

10 But in September of 1964, the Office had one
11 staff member full-time, part of Mr. Selley's time -- he was
12 functioning as a special assistant to Keppel, he also worked
13 with particularly the programs for disadvantaged, and
14 general liaison in other areas for the Commissioner.

15 His secretary worked part-time with the civil
16 rights program and still does, and an assistant secretary
17 was detailed for the better part of her time to work with
18 Mr. Sullivan initially. In late September I was asked to
19 -- or was detailed, rather, after having been asked, but --
20 if I'd like to work with the program full-time.

21 We had a temporary executive officer, and one of
22 the early questions that we had was that of staffing. We
23 secured a permanent executive officer who had been in OE
24 for a long time, Joe Shea, who had been in charge of the
25 personnel department.

1 We had someone first half-time and then full-time
2 to work with our beginning efforts in spelling out what we
3 do in terms of the management aspects of awarding grants.
4 This was Gene Chinn. And I think we had in our original
5 appropriation -- I should check this -- an authorization
6 under Title IV for about 38 staff members.

7 And staffing was always to be a major problem for
8 Title IV -- despite the fact that since the entire civil
9 rights program was funded under an authorization for the
10 Justice Department, this meant that staff for Title IV
11 was not provided for out of general S & E funds in OE,
12 it had a specific appropriation.

13 It never at any time had access to the people
14 authorized for the general operation, and yet it had in-
15 creasing demands, requests from the field, for the kinds
16 of assistance provided in Title IV, and could not meet
17 these demands -- one, because of staffing, and secondly,
18 another major problem was that of finances for the grant
19 and institute activities.

20 The first three fiscal years of Title I
21 operation, the program had an authorization -- an appropria-
22 tion. There was no specified authorization in the legis-
23 lation -- an appropriation of \$8 million, and approximately,
24 in the first year, \$2 million of that was set aside for
25 administrative costs.

or 1 Now, this included not only staff and related
2 expenses, but the cost of the survey that was required. This
3 is something I neglected to mention before, but the Title
4 IV did require a survey to be made of the extent to which
5 equal educational opportunities were denied by reason of
6 race, color, religion or national origin.

7 This eventually became the Coleman Report, but
8 the funding was largely from the first year's appropriation,
9 fiscal 1965, and it was completed out of monies authorized
0 in fiscal 1966. So we had the first year about \$6 million
1 available.

2 The \$8 million appropriation is from all the
3 accounts that I get, or was, a guess. There was no idea as
4 to what kind of demand would be forthcoming from the field.
5 No one knew whether Southern school districts would even
6 ask for assistance, or whether their attitude would be that
7 they wouldn't want any Federal assistance because this might
8 lead to Federal involvement and Federal control.

9 As it turned out, in fiscal 1965 and every year
0 thereafter the requests for assistance exceeded the available
1 funds by three to four times, and we have specific figures
2 on this in records, tables, if you'd like to pursue that.
3 But I was talking about staffing.

4 We started with a small group of four or five
5 people, and we had aimed at having by December of 1964,

or 1 having about half the authorized staff -- something like
2 twenty people -- and then having the balance of this staff
3 available in early spring to complete the staffing.

4 We did add staff, we had one -- two staff members
5 join as the nucleus of the clearing-house staff. Mr. Sulli-
6 van and I tended to divide the rest of the duties. I was
7 responsible for grants to school boards, that aspect of the
8 program, and technical assistance related to local school
9 districts.

10 Don worked with the institute program and the
11 technical assistance related to the college and university
12 service field. We spent a good part of our time in November
13 and December developing manuals for these programs, developing
14 regulations for these programs, and we had particular diffi-
15 culty with the regulations in a couple of respects, and maybe
16 I can comment on that.

17 But we were able to mail out the manual materials,
18 both grant materials and institute materials, about the
19 middle of December, and really started soliciting or making
20 the field aware that there was some kind of help in these
21 areas at that point.

22 And we began to receive proposals early in January.
23 We had had some informal discussions with people in the
24 field who came -- some who came by OE having knowledge of
25 the legislation and asking whether they might begin preparing

(or proposals, and of course we indicated they could.

And the early proposals in both the grant institute areas came from this source rather -- and from the materials. But the -- I'm getting a little ahead here, I'll go back and treat two of the problems that developed in the regulations. One was a very basic question as to whether Title IV or, as it became, the Equal Educational Opportunities program would work in the North and West, or whether its activities would be just confined to the South.

One interpretation was that segregation, the use of the word "desegregation" in the Act, meant there had to have been some legal segregation, and the only places there had been segregation by statute were in the Southern and border states and therefore this was where desegregation assistance could be given.

But the Congress had taken pains, whether knowingly or not, to define for the purposes of Title IV desegregation. It's generally believed they were really aiming at the latter sections that speak of the Attorney General's power to engage in suits, to bring about desegregation, but since the assistance programs in the early sections were in the same title, we felt that the specific definition of the word should be applied, particularly because it allowed us more freedom in operating the program.

And desegregation was defined to mean the assignment

1 of students to and within public schools without regard for
2 race, color, or national origin. And of course this defin-
3 ition is as applicable in the North as it was in the South.
4 So we took the position that if a school district, no matter
5 where it was, North or South, assigned students without re-
6 gard for race, color, religion or national origin, and had
7 some problems resulting from this, then they were eligible
8 for assistance under Title IV.

9 It took some hours of discussion with legal
10 counsel particularly to get them to agree with this, because
11 the question was raised with respect to the latter part of
12 the definition, which went on to say that this assignment
13 to schools should not be made to overcome racial imbalance
14 _____ exclusion -- there's some
15 Congressional history here that is pretty obvious, that
16 even though Title IV was voluntary, several people, par-
17 ticularly Representative Cramer from Florida, was concerned
18 about the Attorney General's suits being brought to
19 actually require integration.

20 And so we had to deal with this exclusion in
21 Title IV, and what we did was to say that what was excluded
22 was those problems that specifically or uniquely related to
23 attempts to overcome racial imbalance. Let me illustrate.
24 Obviously if you have a classroom that is integrated, Negro
25 and white children, and you have some of any variety of

1 problems, you can say that these problems will arise from
2 attempts to desegregate the formerly de jure type of segre-
3 gated school system.

4 And problems that are identical may occur from
5 attempts to assign children under preparing programs or
6 busing or what have you that are obviously administrative
7 moves to overcome racial imbalance. So you can't -- we
8 found we couldn't look at the problem and say that it was
9 unique to one situation or another.

10 And if we looked at the administrative action that
11 had created the problem, then we got back to the North versus
12 South situation again, and this is what particularly con-
13 cerned us in the institute program, because we might have an
14 institute established at the University of Maryland, we
15 might have people applying from the entire country, and if
16 we had to go back and look at each applicant's situation
17 and try to find out why he was having problems relating to
18 desegregation, whether this was an attempt to assign without
19 regard for race, strictly that or an attempt to overcome
20 some kind of racial imbalance -- we were in a hopeless ad-
21 ministrative situation.

22 So we finally prevailed on legal counsel to
23 accept the idea that the exclusion meant by Congress was
24 -- as applied to the problems -- were those problems unique
25 to racial balancing? So we said we cannot have an institute

or 1 under Title IV of school principals who meet to discuss
2 administrative techniques for achieving racial balance --
3 that is excluded.

4 But if the administrative decisions are taken, are
5 made and carried out in school districts, and if this creates
6 a problem that has some logical relationship to problems that
7 might occur in the assignment without regard for race policy,
8 then people from these situations could attend institutes
9 or engage in in-service training.

10 I think again, looking back, we were taken up on
11 this. Representative Fountain had the General Accounting
12 people looking at Title IV, but they were able only to
13 identify, as I recall, about five situations in the North
14 where we had given Title IV grants and where there was a
15 parallel administrative action that was very closely related
16 to overcoming racial imbalance.

17 One, for example, is Hartford, Connecticut, where
18 there were attempts to move through busing Negro youngsters
19 from the central city into white suburbs to see whether this
20 change in educational environment wouldn't improve their
21 opportunities for an education.

22 Now, I think what we did, and we were very careful
23 to do this from the very beginning -- we did not allow any
24 Title IV funds to be used to carry out these operating
25 aspects of the program. So, again, using Hartford as an

21 1 example, other funds -- Title III and some state funds --
2 provided the monies for transportation and for the student
3 operating cost, and Title IV funds were used only for the
4 training of teachers who, again, faced these problems as a
5 result of the separate but obviously related administrative
6 action that created multi-racial or bi-racial classrooms and
7 problems that had some obvious relationship to problems that
8 would occur if you assigned without regard for race.

9 So that is how we got around those problems. But
10 it did delay for a long time the publishing of regulations.
11 and remained, as would be indicated by Mr. Fountain's
12 inquiry, a matter of contention and probably still is a
13 matter of contention as to whether the Congress really
14 intended that Title IV would work in the North.

15 The bulk, over the course of the first three
16 years of the program which I was associated with it -- the
17 bulk of the effort was in the South, probably 65 to 70
18 percent of the proposals were received from the Southern
19 and border states and about the same ratio was reflected
20 in the proposals approved, and about the same ratio was re-
21 flected in the amounts of money involved.

22 We tended also to have what we called the Niemeyer
23 theory, because John Niemeyer had first posed it -- some
24 distinction between North and South along these lines. We
25 gave assistance in the South for schools that were trying to

1 desegregate for the first time on a leverage basis.

2 If it appeared that the district was trying to make
3 an honest effort to desegregate and that the infusion of a
4 fairly substantial amount of money in Title IV's frame of
5 reference would be helpful to allow them to do this, we
6 were inclined to make that kind of move, particularly in
7 regions where there was little else occurring, even though
8 there was not at the time of the award a well-defined,
9 well-designed training program.

10 We were willing to and did establish other kinds
11 of assistance to allow districts, given this type of grant,
12 to develop and sort of feel their way, and then to develop
13 suitable programs as they went along -- give them considerable
14 amounts of staff help, I think, relative to that that has
15 been available, say, in other programs -- Title III, for
16 example -- in the design and continuing operation of the
17 grants.

18 In the North, however, we expected a program to
19 be pretty well designed before we would fund it. We expected
20 it to be rather unique and to demonstrate a high-potential
21 attack or approach on some particular aspect of desegregation.
22 So we were a little harder on the proposals that came from
23 the North and West, in part recognizing, maybe, the -- not
24 that these problems were any less in value, but that some
25 districts in the North and West were in a more fluid political

climate.

It was easier for them to move if they decided to take some step and to commit local funds was easier for them to do was easier than for a district in the South where there might be very intense community opposition. But, in part, we also, I suppose, took this approach because of the vast requirements for funds of cities like New York and Chicago compared to the very limited resources, and a feeling that small grants from Title IV would be lost in large Northern communities in trying to do anything on the problem of de facto desegregation.

We did make grants to the large cities -- we made a grant to New York rather early in the program. But it was for, again, a demonstration type of program, very localized and focused quite narrowly on a specific problem relating to desegregation.

Well, I guess I could sort of summarize the first year's operations by saying that up until January we were working largely on developing program materials, getting the programs started. The first proposals came in in January, and we began the first grant and the first institute program the same week, the third week of February 1965.

The first institute was an institute at the University of Miami, and in his transcript Mr.aley points

out that this was an institute where he was first besieged
by Southern school administrators requesting some kind of
guideline action for Title VI.

And that would characterize some of the early
institutes under Title IV. They were short, three- and four-
day institutes, conferences, really, but fulfilling one of
the purposes, probably the best -- represented the best
correlation or articulation or coordination that we ever
developed between Title IV and Title VI, which was one of
the problems of the civil rights program -- is the lack of
coordination of these two titles, or the staff efforts in
both the compliance and the assistance areas.

But the early institutes -- this one in Florida,
one that followed rather shortly in Tennessee, and eventually
in almost every state in the South -- the early institutes
directed at bringing to school administrators information
about the requirements imposed upon them by Title VI and the
subsequent regulations and guidelines and then trying to
indicate that there was assistance available under Title
IV -- this information-giving function was probably one of
the characteristics of very early institutes for administra-
tors.

We -- another -- I skipped on to this, but will
discuss it now -- another problem we had in developing regu-
lations was dealing with the phrase "school personnel." We

1 were advised by the legislation that we could have institutes
2 and other kinds of assistance programs for "school personnel."
3 And the question was whether this would be strictly construed
4 to mean teachers, and other contractual employees of school
5 districts, or whether "school personnel" might include school
6 board members, parents with some relationship to the school
7 such as P-TA members and leaders -- whether it could be
8 stretched to the point of students.

9 And finally, after, again, a considerable amount
10 of discussion, it was decided that we could not construe
11 this to mean students in an operating program sense, but
12 we were permitted and did pursue a policy of involving in
13 institutes leadership people, community leadership people,
14 who obviously had some considerable influence in the commun-
15 ity situation where you were first desegregating schools.

16 One of the early institutes, again, at the Uni-
17 versity of Miami involved elected municipal officials, for
18 example -- mayors, chiefs of police, and other municipal
19 officials with school superintendents, trying to develop in
20 a team fashion programs, plans, for school desegregation
21 in their communities.

22 I understand -- I see that according to a recent
23 release from the present Title IV program that the program
24 is being restricted only to school personnel in either school
25 board members or contract employees. I, one, think this is

1 not required by the law, and secondly, I think it's in terms
2 of strategy very unwise, because obviously of all areas
3 school desegregation is not going to be accomplished by the
4 schools in isolation from the communities.

5 A second kind of early institute, and this -- some
6 that come to mind: an institute at, again, the University
7 of Miami -- Miami was quite involved because of the fact that
8 the associate dean at Miami was Herbert Way, who had written
9 -- and I referred to this earlier -- had written one of the
10 first how-to-do-it kinds of books on school desegregation
11 in the middle '50s, following the '54 decision.

12 And he had been a person we had contacted earlier
13 and had gotten involved, and he had gotten, along with John
14 Berry, the dean at Miami, his institution involved and
15 committed, really, to the idea that they had a responsibility
16 in working with school districts in the southern part of
17 Florida to meet this new problem in school administration.

18 So we had a three-day superintendent-board member
19 institute there involving almost all the district in Florida
20 and a few in Georgia. In February -- a little later in
21 February we started a second institute at Miami that was the
22 first involvement of teachers and guidance counselors and
23 mostly elementary school supervisors, those three groups,
24 rather.

25 They worked on a Saturdays-only short course or --

1 well, it wasn't a short course, it was an entire semester,
2 but part-time, is what I meant to say -- course going every
3 Saturday for about five hours, working on a variety of topics
4 related to school desegregation. Again looking back, it was
5 a sort of survey course, but it was, I think, instrumental
6 in getting people in South Florida to begin to think about
7 the wide variety of kinds of problems that were confronting
8 the schools in meeting this new challenge to desegregate.

9 Other institutes started in the spring of 1965 at
10 the University of Tennessee, and we had grant programs, the
11 first grant program beginning in February of 1965 at
12 Chattanooga, Tennessee. This was the first grant awarded.
13 And the thrust at this point -- we had, I suppose, about ten
14 ten or twelve staff members in Title IV -- was looking toward
15 the summer of 1965 and a rather intensive summer institute
16 program.

17 And so we spent a lot of time contacting potential
18 sponsors at a variety of institutions nationally. We did,
19 however, take this approach that distinguished the institutes
20 under Title IV from those under NDEA. We did not have any
21 national institutes. We did not sponsor a program at a
22 given university and open it for applications nation-wide.

23 We felt very early, in part because of our con-
24 cern for the grant in-service training programs, these
25 institutes had to be regional, so that we establish a

or 1 continuing relationship between the institution of higher
2 education and the surrounding territory in their formal
3 service community, so that an institute would not begin and
4 stop and the staff never again see the participants, but we
5 actually built in, in the budget and in the operating scope
6 of work arrangements, provisions for the staff of the in-
7 stitute to continue to work in the districts of the partici-
8 pants after the formal instructional phase was completed
9 for at least a semester and, in most cases, for an entire
10 year after the summer institutes of 1965.

11 This led us to the development of a rather unique
12 kind of institute, and I discussed this, I would say, prob-
13 ably sometime in the early summer of 1965 with Herb Way,
14 and in part it was an attempt on his part to keep the Uni-
15 versity of Miami involved in the program and to cut down
16 on the administrative red tape.

17 Our procedures then would call for -- let's suppose
18 that Miami wanted to conduct a summer and then a fall and
19 then another summer institute and keep this going, they would
20 have to keep submitting a series of proposals. Herb wanted
21 to know whether we might just establish a kind of continuing
22 institute.

23 And this, coupled with the idea of the continuous
24 staff relationship to participants that Jack Niemeyer had
25 emphasized very early in our discussions, brought up the idea

or 1 of a center -- what we began to call centers for assistance
2 in school desegregation.

3
4 And what we essentially did was to say that where-
5 as normally we would define a training program and then staff
6 it and provide a budget, in this case we would say the problem
7 exists and is going to exist for a long time in these areas,
8 it is going to change in scope and character, and what we
9 will do is establish a staff on a full-time basis with
10 reasonable amounts of general support for travel and materials
11 and things of this kind, and let the staff work with an
12 advisory council in its service community, work with faculty
13 members and lay community people to conduct a continuous
14 analysis of the kinds of training and technical assistance
15 that is required, and build in this kind of flexibility, and
16 from that design the programs and whether this would be some
17 part of the program carried on by a center might be a series
18 of short-term institutes.

19 Another phase might be a regional clearing-house
20 of materials on school desegregation, and there might also
21 be some rather in-depth kind of formal training activities.
22 But we saw another advantage from these centers, that in
23 addition to the services they would provide, in assistance
24 and instructional fashion, there was also the possibility
25 that the center would form sort of a marshaling point or
an area where school administrators who were serious and

1 who did want to get the problem of school desegregation
2 over with as rapidly as they could could band together and
3 discuss their problems in a closed-forum arrangement, but --
4 and get some kind of support from one district to another
5 and -- as well as to sharing their own ideas with us so that
6 we would improve our storehouse of ideas and suggestions to
7 people in other parts of the country.

8 This, I think, was from this standpoint -- the
9 best example we ever had was the center we established at
10 Auburn in Alabama. The center was really the nucleus of
11 local school superintendents who stood up against the
12 haranguing of Governor Wallace and stayed with their
13 decisions, the decisions of their boards, to do something
14 about desegregation, despite the threats that they would, I
15 guess, at the extreme actually be dissolved by the state
16 legislature and that the administration would actually be
17 taken over by the state.

18 The Auburn center, University center, provided
19 a great deal of strength to these people, and continues
20 to do that today. So we added, then, under the institute
21 program early in 1965, this idea of a continuing center.
22 At one time we had about twenty of these centers.

23 We had -- and I won't list all the ones, but
24 give you some example -- we had a center at Weirton, Kentucky
25 that provided this kind of service for the entire State of

1 Kentucky, a center at the University of Tennessee, a center
2 at the University of Southern Mississippi, in Mobile, and
3 the University of Mississippi in Jackson, Auburn University
4 in Alabama -- we had a center in Texas, we had three centers
5 in Florida because of that state's length, we had one for
6 the southern part of the state and the middle part of the
7 state and one at the north at Florida State University in
8 Tallahassee, the University of Florida in Gainesville and
9 the University of Miami at Miami.

10 And we did not have any center operations in the
11 North, with one exception. We found that near the end of
12 our first fiscal year, near the end of 1965, we had some
13 administrative monies that were available. The Congress
14 had given us \$8 million for an appropriation again, not for
15 any particular reason, but it was an early figure established.

16 And we had it available to us, really, for six
17 months' operation, because we didn't start our programs
18 until January and the appropriation, obviously, was just
19 available through June of that year. We were still under-
20 staffed.

21 We had not been able to get more staff for Title
22 IV in May and June. We were still under our allocation,
23 and this was the beginning of the pulling away of some of
24 the staff members to work on Title VI activities, so in
25 the discussion with John Niemeyer we decided we would

or 1 establish at Bank Street, where they had had quite a bit of
2 work in developing curriculum materials under a contract
3 arrangement, sort of a contracting-out of the functions we
4 had envisioned for a clearing-house on desegregation, par-
5 ticularly that part of it that dealt with the research and
6 development staff on curriculum materials.

7 And so we did establish this center at Bank Street
8 on problems relating to school desegregation. It was the only
9 center we had in the North, although it functioned nationally
10 -- it worked with school districts in the North on de facto
11 style segregation problems and worked in two ways with the
12 South.

13 It worked as sort of a resource center with our
14 other Southern centers, providing them with specialized
15 materials that they could not develop with their own staff,
16 most of whom were very busy with consultant-type activities
17 and some training activities, and it also -- the Bank Street
18 center provided some direct services to Southern school
19 districts, particularly those that had received grants under
20 Title IV and needed some help in carrying out their design
21 for their program.

22 The summer of 1965 -- it seemed to us, Don Sullivan
23 and myself, who had been working with this the previous fall,
24 that we were just really getting things under We had
25 what we felt was a very good first summer sess in 1965 --

we had all of our funds for 1965 committed, program funds committed, largely -- with the exception of those few spring institute grants, the bulk of the funds were in summer institutes for 1965.

We had good representation from most of the states in the South, with the exception of South Carolina -- I think almost all the Deep South states -- and we had a staff of about eighteen to twenty people working on grant institute and technical assistance activities at this point.

When we were first hit with the problems of Title VI -- I probably for another conversation could discuss my own involvement and my reactions under the Title VI program, but let me just limit it to this -- Title VI had begun in January of 1965 with the issuance of regulations which required school districts to submit plans for desegregation.

I think there was quite a bit of naivete involved in expecting that schools would do this, just to -- that they would see their responsibilities under the law and would submit these plans. The districts did not. One, they felt they could mount political pressure to call off the requirements, and, secondly, they didn't know what to incorporate in the plans, even if they wanted to comply.

So it was in late February or early March that the first semblance of guidelines appeared to instruct people in what they were to do, and these guidelines began to bring

1 in some plans in April and May, and in May the staff was
2 developing what they called a canned plan.

3 It was a format that districts could fill in the
4 spaces with and have a plan that would be acceptable by the
5 Office of Education. And these plans were of two kinds --
6 geographical zoning and freedom of choice, and given the
7 dynamics of Southern segregation problems, most people, with-
8 out exception, filled out and adopted the freedom of choice
9 plan.

10 But the problem still confronted the Office of
11 processing these plans, and I think, if my memory is correct
12 -- I won't try to be very precise, but in early June we had
13 over 1,000 plans that were in but unprocessed, and as Mr.
14 Seeley's interview indicates, he was relying at that point
15 on an authorization to employ consultants, and he had em-
16 ployed a staff of about six lawyers who had had some exper-
17 ience -- Bill Foster, from Wisconsin, was one, and Larry
18 Knowles and Richard Day were two others that come to mind.

19 These people had had some experience with desegre-
20 gation problems, and they became sort of the team chiefs in
21 this processing work. At the same time that they were
22 trying to process the plans, the Title VI staff was also
23 trying to work out policies as they went along and as new
24 evasive tactics confronted them from day to day.

25 But it became apparent that despite the expertise

or in the consultants, the legal -- lawyers, that Seeley needed more help just to work with instruction sheets and with standard format check sheets for even the initial screening of these plans to see whether all the points that had been defined as being necessary for a satisfactory plan were even included.

So they had to -- there was a lot of advance clerical type of activity that had to be done before one could even wrestle with major questions of policy within the plans. So early in July it became obvious that no one in OE or the Commissioner's office or the Department had envisioned the management problems involved here, and the whole system of processing plans was breaking down with school opening only a couple of months away.

Mr. Keppel asked Walter Milecrane to see what he could do about this, and I am not familiar with the exact conversations, but it's obvious that Milecrane was given a rather free hand to try to do something about the impasse developing in the equal educational opportunities program. Milecrane was the Deputy Commissioner's chief assistant at this point.

And Mr. Milecrane swept into the program, and obviously his major contribution, from my perspective, was that he got more people to help with the job, and these people were conscripted, really, from various programs in

or

1 the Office -- they were ordered to report to EEOP and organ-
2 ized under the legal consultants, for the most part --
3 another one of those who was employed and later stayed with
4 the program for some time was Mordecai Johnson, and he worked
5 mostly with the southeast South Carolina area.
6

7 Anyway, some inroads began to be made, but there
8 still were not enough people, and the executive officer for
9 EEOP at that time suggested there was about only one source
10 within OE where there was some help, and that was the Title
11 IV staff. So early in July I was approached about -- and I
12 was not chief for Title IV at that time, but the person who
13 was was going on extended leave and came back then to leave
14 the program.

15 And I was placed in charge of the entire Title
16 IV operation on an acting basis about the first of July, and
17 at the same time confronted with the fact that all of my
18 staff, with the exception of one administrative assistant
19 and one secretary, were going to be taken to the Title VI
20 program for the month of July.

21 Since we had the July -- the 1965 summer institutes
22 pretty well under way -- they were for the most part starting
23 -- I consented to this, ill-advisedly in retrospect, but
24 consented to this, hoping we could hold the Title IV
25 program together.

Things were bad in other ways -- I don't know how

or 1 much detail you want me to go into here -- I could go on for
2 a long, long time. But the Office of Education was being
3 reorganized at the same time as a result of the
4 Commission.

5 And the contracts branch was being formed, and
6 again Mr. Milecrane had a great deal to do with this. We had
7 had a contracting officer in the equal educational opportu-
8 nities program. Mrs. Chinn had been one of our staff members
9 located in our own offices.

10 Well, the formulation of the contracts branch took
11 all of these contracting people and put them in a centralized
12 location. It took some time for the shakedown here to get
13 things operating, and we found at the end of July, for
14 example, that though we had some forty-five to fifty programs
15 operating, none of them had contracts and could -- none of
16 them could be paid, at least not adequately, until this
17 situation was straightened out.

18 And I recall one rather heated session with Mr.
19 in Milecrane/which I was told to get it straightened out some-
20 how, and I protested that I had but one staff member, and
21 the response was not very sympathetic. We eventually did
22 get it straightened out.

23 But it was very -- a very difficult time, I'll
24 put it that way. We had things going well, but the management
25 aspects in Title IV as these were affected by our staff

1
or 2 being drained off for Title IV were becoming increasingly
3 hectic.

4 And to complicate this, it turned out it wasn't
5 just a holding operation for July. August went by and none
6 of the staff had been returned. Early in September I carried
7 on a discussion with Mr. Seeley one evening, and this resulted
8 in my getting two staff members back, and then a couple of
9 weeks later a couple of more staff members.

10 But Title IV was virtually without staff from
11 the first of July until about the first of October, and
12 during the month of October the backlog of plans had been
13 taken care of, at least in a technical fashion. It turned
14 out later there was much to be desired in the content of some
15 of these that were approved at this time.

16 But there was a feeling that many of the Title IV
17 people could come back and work on the assistance programs.
18 So a key point for me at this point was that we had been
19 able with a couple of the staff members that did return
20 in September to have an institute at Dillard University
21 in the fall of 1965.

22 And here we got together the directors from the
23 summer institutes of 1965 in sort of a post-mortem session
24 to take a look at what we had been doing, what the content
25 of the institutes had been in general, what things were
successful and what were not.

1 And I felt -- this is a personal note -- that the
2 Dillard three-day session we had at Dillard in New Orleans
3 was a highlight of Title IV, and it gave us a new basis
4 for restructuring the program and perhaps hope for accomplishing
5 some of the aims and objectives that we had seen,
6 some of the things that we felt that could be accomplished
7 by assisting districts, particularly in the South, to de-
8 segregate their schools.

9 We had had early, and I forgot to mention this,
10 a planning conference of this kind at the University of
11 Maryland in November of 1964, and we tried to invite many
12 of the same people, national leaders in the area of human
13 relations, back to the Dillard conference so that we could
14 really assess Title IV in the first year.

15 There is a report of the Dillard conference --
16 there's also one of the earlier Maryland conference, and
17 there's also a report that we had an evaluation undertaken
18 of many of the summer of 1965 institutes under a contract
19 -- the chief investigator was Eli Blake, who was then at
20 Howard.

21 And this material is available, and I think it
22 is for somebody some day a basis for a good look at, in
23 depth, the way the Federal Government tried to meet these
24 problems.

25 (End Side 1)

or

1 MR. KRUGER: Well, the problems of Title VI were
2 largely that of inadequate -- the inadequacies of the
3 previous year. The 1965 guidelines, although they had
4 spelled out in a structural sense the things that should be
5 in the school desegregation plan, they still left the process
6 of desegregation largely to freedom of choice, and because
7 of a variety of kinds of influences on many school districts
8 in the South, even though technically this opportunity was
9 given no one was willing to exercise their opportunities to
10 choose a desegregated situation.

11 And so it became obvious that if we were ever to
12 get away from this stalemate there had to be some spelling
13 out of reasonable progress toward desegregation, and this is
14 what the 1966 guidelines undertook to do. In looking back,
15 it was a very enjoyable and exciting and privileged opportu-
16 nity for me to be involved in these discussions about these
17 guidelines.

18 But again, it became apparent that there ought to be
19 some better articulation of Title IV with Title VI, that if
20 we were going to, in a sense, tighten the screws, if we were
21 going to require performance, we had to be in a better
22 position to offer the individual school superintendent some
23 kind of help.

24 From that -- an acceptance of that philosophy,
25 which I argued for for a long time -- and also the results of

or 1 the _____ Commission administrative structure survey,
2 it was decided that EEOP would be divided into five regional
3 sections, and administrative units, and that each of these
4 units would administer both Titles IV and VI.

5 Theoretically, because there would be a single
6 administrator, this should have brought about some coordina-
7 tion or articulation between the two programs. I'll skip a
8 lot here and just say that in actual practice, what happened,
9 because of the pressures in the summer -- well, late spring,
10 summer, and early fall of 1966, in most of the areas that
11 were created the pressures related to compliance were so
12 great that the area directors, respective area directors,
13 focused almost all their attention on Title VI and the
14 compliance activities, and Title VI virtually again, for a
15 second time and for a second summer, disintegrated.

16 The situation was so bad that to cite one area in
17 the Southwest where we had institute and grant programs
18 starting, in Arkansas and Texas and Oklahoma, I found,
19 because of my continuing interest -- I was assigned as one
20 of the area directors, so I took on in March of 1966 com-
21 pliance responsibility for South Carolina and Georgia,
22 which were two of the tougher states in the program, and
23 Florida, one state where we had perhaps the most dramatic
24 progress of anyplace in the country.

25 But I took on these duties with the understanding

1 or that my fellow area directors would assume responsibility for
2 Title IV in their areas. But since I had been with Title IV
3 for so long and had a personal interest, I continued to try
4 to coordinate and suggested to Mr. Seeley at one point that
5 I act as a -- with a second hat as staff coordinator for
6 Title IV.

7 Well, I soon found myself -- and stated this
8 rather sharply in a memo to Mr. Seeley at one point in the
9 summer of 1966 -- found myself almost -- with almost sole
10 responsibility for Title IV but without any staff to conduct
11 that program, as well as having as much responsibility for
12 Title VI compliance in my area as any of my colleagues.

13 I was also becoming at that point very controver-
14 sial, in part because I had been with the program a long
15 time, I, when we began the summer of 1966 activities, felt
16 quite confident in my own knowledge of the guidelines, having
17 worked with Mr. Seeley and Mr. Berris in preparing these.

18 I -- perhaps more than my colleagues -- spoke
19 rather directly and tried to spell out for my school
20 administrator friends in the South what was required, what
21 was expected of them. I had taken the position for a long
22 time that if we were going to require performance when
23 school opened, we had an obligation to let administrators
24 know early in the school year what the criteria would be
25 for that performance so they would know how to act.

1 Well, on the one hand I was trying to spell out
2 and be as helpful as I could in delineating the responsibil-
3 ities and the requirements of the school districts, and at
4 the same time I can see where this appeared to many people
5 as being more dogmatic and more arbitrary than, say, a
6 similar discussion by one of my colleagues, which was
7 vague and inconclusive.

8 The latter also offered the opportunity of,
9 perhaps, less strict enforcement. Also, secondly, I was
10 dealing with Georgia, where, through Mr. Talmadge and Mr.
11 Russell -- and in South Carolina with Congressman Rivers
12 and Mr. Thurmond -- the Administration had people it had to
13 deal with in other areas, particularly major committees
14 of concern, importance to the Administration.

15 And it's my feeling that rather than argue whether
16 they were discriminating, whether they did operate segregated
17 schools -- questions which they were ill-prepared to argue
18 in view of their performance -- districts began rather to
19 focus on the people in the Federal bureaucracy who were
20 harassing them, and to try to get some relief by attacking
21 personality of these people.

22 As it turned out, we began this area organization
23 in March -- by May, all of my fellow directors had been
24 transferred, and I probably would have been transferred,
25 too, except that while on the one hand I was under most fire,

or 1 I achieved through this some kind of symbol status for the
2 Administration -- to remove me in this area would have sig-
3 naled a retreat.

4 And so the Commissioner and Secretary Gardner,
5 despite intense pressure, insisted that I remain in my
6 position throughout the summer, and felt it would be very
7 crucial that I not be somehow displaced prior to school
8 opening when people who had already taken action in accord-
9 ance with my speaking about the requirements of the guide-
10 lines would see that they could make some changes, adverse
11 changes, prior to school opening.

12 But political consequences were real and apparent.
13 The complaint was that no one from the Administration could
14 talk with anyone from the Congress from the Southern states
15 without the first order of business being the question of
16 my disposition.

17 So it was announced that after school started in
18 September that we were strengthening the program, and in
19 this strengthening and reorganization I was moving to full-
20 time responsibilities for Title IV once again. However,
21 by this time, by September Title IV was a shambles.

22 I started to cite, and didn't finish, the situation
23 in the Southwest. I found in my staff coordinator second-
24 hat capacity in early August of the summer that despite the
25 fact we had many Title IV programs in this area part-time

1 summer student was the only person working in that area
2 on Title IV.

3 And there were less than seven people working with
4 title IV programs in late summer of 1966. When I was re-
5 assigned to full-time responsibility with Title IV, I did
6 this only on the condition that we restaff and try again
7 for another regrouping and another effort to accomplish the
8 objectives of Title IV.

9 I was in a bargaining position, and was able to
10 get about twenty people as a staff, and it seemed as if,
11 once again, we were in the late fall of 1966 beginning to
12 get Title IV back on course. We began to establish and
13 strengthen the network of university assistance centers.

14 We had a second parallel kind of activity develop
15 under grants -- I'll speak to that for a moment. It was
16 originally intended that grants, or envisioned that grants
17 would go to local school districts, although the legislation
18 read "to school boards," and again to try to broaden the
19 scope of the program we interpreted that to mean boards of
20 intermediate districts and, in fact, boards of education at
21 the state level.

22 And we began first in Florida and then in Georgia
23 and then -- this has now spread to some twenty different
24 state departments -- have been given grants under Title
25 IV to establish assistance units in the state departments

or of a ation.

Now, this might have been done under Title V of ESEA. It might have been done in a variety of ways, but it was one of the mechanisms we found for trying to get states and local school districts to assume their responsibilities for desegregation.

In my opinion, the state department Title IV units were the weakest components of the Title IV program, because obviously you were asking states to desegregate schools, something they had not been willing to do on their own initiative for many, many decades.

And to expect some kind of reversal, with the state departments being political -- elected, in most cases -- was of course -- would have been folly. But we did think that very small units might at least improve communications between the states and the local districts, and that they might help us provide some of the information, particularly about compliance activities, that our staff -- limited staff -- was hard-pressed to do, to provide.

And also we thought that they might be willing to begin some technical assistance activities -- regional conferences and things of this kind that might again provide forums for at least some interchange and discussion of -- and acknowledgement of the problems that administrators would have to deal with in desegregation.

1 So in the fall of 1966 we tried to focus on this,
or 2 we tried to strengthen these state department activities,
3 to enlarge the university center programs, and here I think
4 we were most frustrated at this point by our inability to
5 get any additional support from the Congress in the way of
6 appropriations.

7 The first six months in our program, the end of
8 fiscal 1965, we had \$8 million. For fiscal 1966, because the
9 Congress reportedly hadn't been able to assess how we were
10 going to use the monies in 1965, we were again given a
11 second appropriation of \$8 million.

12 By fiscal 1966 we felt we had ample information
13 and justification for increasing the appropriation. It became
14 rather apparent that the Congress was -- while it was willing
15 to toss civil rights organizations a bone, so to speak, in
16 conducting a civil rights assistance program, it was not
17 willing to make this a very meaningful program and it still
18 is not.

19 The current appropriation is about \$10 million,
20 and totally, wholly inadequate for any meaningful kind of
21 assistance in the desegregation area. And the argument that
22 we began encountering in both the House and Senate Appropri-
23 ations Committees at this point was that other Elementary
24 and Secondary Education Act monies were available to local
25 districts.

1 They could use Titles I and III particularly for
2 programs of desegregation if these were important to them,
3 and why was there any need to give them earmarked special
4 funds for Title IV for desegregation? Well, obviously,
5 if this argument had been taken seriously, comparing the
6 better than \$1 billion available under Title I with the
7 roughly \$6 million for program activities available under
8 Title IV, if they had been serious about this they would
9 have eliminated Title IV altogether, and said that it
10 should be absorbed under Title I or Title III.

11 But on the other hand, it was obvious that the
12 argument being used was pretty thin, because the local
13 school system, confronted with a vast range of requirements
14 for Titles I and III money, obviously would find programs
15 that -- while on the one hand it would meet problems of
16 desegregation, would obviously lead toward further inte-
17 gration, that these types of programs would rate pretty low
18 on an emotionally loaded priority listing.

19 And the only way that a Title -- a desegregation
20 or, as it was perceived, an integration program would stand
21 much of a chance in vying for Title I or Title III money
22 was either that it was so crucial and so apparent a problem
23 that it had to be met, or it was perhaps a district in the
24 North that had already decided to take action and it was of
25 relatively low emotional content and could be met.

or 1 And so we were never able, however, to prevail
2 with either of these arguments -- Congress neither disbanded
3 the program and emphasized that this was the responsibility
4 of Titles III and I nor did it adequately finance the Title
5 IV program.

6 To show you -- we still had -- we had another
7 option, and this was to turn to our technical assistance
8 program. All of our monies were obligated for as much
9 assistance as we could squeeze -- the institute and centers
10 and state department assistance units areas. We had reduced
11 the block grants to local school districts to a bare minimum,
12 just having a few demonstration programs and putting the
13 money into the wider-spread programs so we could involve
14 more districts.

15 But staffing was still a major issue. One point of
16 contention between Mr. Seeley and myself particularly -- we
17 had managed, more by Congressional oversight than anything
18 else, to increase the authorization for staff from about
19 38 positions under Title IV in the first fiscal year to
20 about 76 in the third fiscal year.

21 We couldn't get any more -- we would ask for more
22 money, we would ask for about \$30 million, which was roughly
23 what the field was requesting in aid, and then we would
24 justify under "administration" the need for additional staff
25 to support that kind of program.

1 And we found the Congress refusing to give us the
2 money for the program, but approving the staff, so --
3 however, the staff was drained off. We never had more than
4 21 staff members in the Title IV assistance program. The
5 balance of the staff members were permanently used in Title
6 VI compliance activities.

7 And I kept pressing, particularly when HEW, under
8 Mr. Lambosi, got an appropriation of S & E specifically for
9 compliance, I kept pressing for the return of any of these
10 staff members. The rationalization was that -- there's some
11 merit to this -- that the legislation provided that one of
12 the kinds of technical assistance is that

13 Title IV is to assist districts in developing
14 plans of desegregation, and that is what the compliance
15 activity was ultimately trying to accomplish -- therefore,
16 it was a legitimate use of Title IV people to provide this
17 kind of technical assistance.

18 I thought, and still argue, that there was a
19 distinct difference between the compliance investigative
20 enforcement activities of the Title VI staff and the
21 analysis and design activities that one would relate to
22 the preparation of school desegregation plans, even though
23 obviously they both are working under the same legal guide-
24 lines and framework.

25 But I did not prevail, and only when the Title VI

1 enforcement compliance activities were given to the Depart-
2 ment under a centralizing mandate of the Congress and the
3 Department found that it, of course, although it kept on a
4 loan basis, detail basis, many of these staff people, it
5 found itself without a good administrative basis for contin-
6 uing to keep these positions that really belonged to the
7 Title IV unit that was then organized _____ divisional
8 status the Elementary And Secondary Education did there
9 -- was there a return of staff members to the Title IV
10 program at about the same time -- the development of this has
11 really occurred since my leaving the equal educational oppor-
12 tunities program.

13 But I think it is a problem, in view of the history
14 of the first three years of EEOP -- is yet to be met, really,
15 very realistically. There was a move along with a general
16 office-wide move to decentralize the administration of Title
17 IV, to place people in regional offices.

18 Now, I worked -- and discussed with Mr. Seeley
19 and in the late winter of 1966 and early 1967 steps in which
20 this might be done, but I contended that the big problem
21 would be that of pressure, that people in the regional
22 offices would be less able to under -- to withstand political
23 pressure.

24 And they would be working with a regional assist-
25 ant commissioner, who would be -- while he would be closer

or 1 to the field in terms of a service standpoint, would also
2 be that much more subject to state and local pressures to
3 go slow in the area of desegregation, whereas, while Washing-
4 ton might be more removed, it also was a little more --
5 could be a little more objective and -- in this respect.

6 So Mr. Seeley and I agreed on this point, that
7 we wanted to forestall decentralization as long as possible,
8 and for my own point -- from my own point of view, decentral-
9 ization will not be effective in Title IV and will be one of
10 the major problems to be faced in whatever is the remaining
11 life of the program.

12 I think, looking back, then, we reached a plateau
13 in this fall of 1966, when I returned to Title IV, we were
14 able to tighten many of our procedures, and with a reorgan-
15 ized staff, to increase the effectiveness, perhaps, of par-
16 ticularly the network operations -- the centers and the
17 state department operations.

18 But the spring of 1967, we were toying with the
19 regionalization -- we had made the decision in the fall of
20 1966 to disband any summer institute program in 1967. Our
21 position was that Congress had not given us additional
22 funds, we needed immediately all the monies we could acquire
23 for the service assistance programs in the university centers
24 and the state departments, particularly.

25 And so we decided in the fall of 1966 to obligate

1 all our funds for this, and not even to plan for a 1967
2 summer institute, perhaps to try to get a supplemental
3 request, but really to put the issue back to the Congress
4 and say, "If you want a summer institute program for 1967,
5 then we need additional funds."

6 That request was never made for a supplemental,
7 and except for some activities conducted by the centers, the
8 summer of 1967 saw the total demise of any institute activity
9 and in a way this is -- this was perhaps an expected pattern
10 by this time.

11 In 1965 we had a good institute program, but our
12 staff was diminished to two -- in 1966, through the area
13 concept and the emphasis on compliance, the Title IV program
14 was completely disorganized and virtually without administra-
15 tion -- so that in 1967, when the summer institute program
16 was completely abandoned, I think that it was not unexpected
17 by people who were trying to cooperate with us, particularly
18 in the universities and doing something in this area.

19 But it did, I am sure, have an effect of -- and I
20 could cite some specific examples -- of people who had been
21 with the desegregation program since its inception in the
22 fall of 1964 -- by the summer of 1967 they felt that they
23 could use their energies elsewhere.

24 And we lost in that one summer many people who had
25 been involved in the program -- completely withdrawn and went

1 on to other areas of interest. I might -- so, in summary,
2 let's say the first three years -- the biggest problem, per-
3 haps, was staffing and organization.

4 A second but related problem was failure ever to
5 achieve what should have been achieved in articulation of
6 Title IV and Title VI, particularly the idea of strategy and
7 the use of Title IV resources to enable people under the gun
8 in Title VI to get over the hump and solve some of their
9 problems.

10 And I think of related -- and I would speak to
11 this in a -- you know, that separate conversation on Title
12 VI -- there was never an adequate strategy in Title VI to
13 move on the fronts of least resistance and in a military
14 sense to try to move where movement was possible with those
15 people who were willing to desegregate and needed some help
16 which might have been forthcoming from Title IV, and to
17 isolate and to surround in pockets the areas of greatest
18 resistance.

19 The approach in Title VI, unfortunately, was to
20 blunt what few resources we had against the areas of greatest
21 resistance, the -- and to give little support to the people
22 who got out on a limb, and particularly thinking we meant
23 what we said in the 1966 guidelines, and found that when
24 they looked around, the Federal Government was not out on
25 the limb with them but had retreated.

1 Well, the third problem, aside from staffing and
2 lack of coordination of strategies, was that of funding.
3 There were alternatives. I suggested in memos to Mr. Seeley
4 and Mr. Howe that Title IV was obviously not going to get
5 any more money from the Congress, and what we needed to do
6 was look at other resources in OE that might be used for de-
7 segregation.

8 I suggested in one particular memo that the function
9 of equal educational opportunities program ought to change,
10 so that it would be, in addition to its grant management
11 function for institutes and grants to local school districts,
12 would be the Commissioner's unit to concern and coordinate
13 all Office of Education programs that might have something to
14 do with desegregation.

15 Now, this is not to say that all of Title III
16 funds would be used for desegregation, but at least those
17 programs dealing with desegregation in Title III would have
18 some kind of working relationship with the desegregation
19 programs dealing with Title IV.

20 And we had had some particular examples of that,
21 particularly in Hartford -- that project I referred to earlier.
22 I suggested that one of the responsibilities of EEOP would be
23 to try to increase this kind of liaison and coordination.
24 The closest the Office has come to it so far is the
25 appointment of Gregg _____, who is now in the position

1 Director for EEOP, as a program manager. Now, I really have
2 not talked with Gregg, I have seen no evidence that that
3 appointment has resulted in anything that has coordinated
4 any of the programs in the Office.

5 But certainly there is an area for coordination.
6 There probably at this point are more programs dealing with
7 school desegregation under Title III than there are under
8 Title IV, and certainly those more effective ones in the
9 area where Title IV could not operate, that of student
10 operation programs.

11 But Title IV does have the potential for providing
12 staff training and consultant help to districts whereas
13 Title III can provide demonstration -- student operating
14 programs that can convince the public that things can be
15 done and done successfully.

16 The -- and perhaps this is the last specific
17 comment I have -- the other activity that I think has --
18 could have been performed by Title IV staff is that of
19 some in-service staff training for the Office of Education.
20 We commented when we were changing one of the tapes that
21 too often the programs in OE work in isolation.

22 Very much of the time, even though the Title VI
23 compliance activities particularly got a lot of headlines,
24 and some of the members of OE were aware of the difficulties
25 in that program because they would read Staff News Digest,

there never has been developed a very good understanding of the problems of race relations and the particular administrative instructional problems of school desegregation on the part of the professional staff of the Office.

And this is another function that Title IV might have -- not conducted in its entirety, but might have at least formed a nucleus for some general upgrading of our own competencies in OE, to meet this -- what I consider to be one of the major problems facing school administration today.

Where do we go from here? For what it's worth, I think that shortly -- I would say, you know, shortly being the next two or three years -- someone either in the administration here or in the Congress will decide that many of the -- that Title IV ought to be coordinated, consolidated, with the other teacher training programs under ESEA, and I think Title IV institutes and local system grants, if not technical assistance, will be so abolished.

And the question then will be placed more squarely on the Office as to what portion of education profession development monies there will be -- they are willing to allot to meet this particular problem. Until then, I am convinced that Title IV will have its continuing meager appropriation diet from the Congress, and will be able to mount programs that someone can point to to show that we are doing something

or

about desegregation, hoping that not too many people will ask how effective they are.

And I am particularly disturbed, personally, by the trend of placing all the available money in technical assistance programs. About all we can offer now, or at least a great part of what we can offer now, is consultant help.

In my opinion, most superintendents are at the point now where they don't care to have someone come in and do a one- or two-day survey and tell them what they ought to do, particularly when that what they ought to do is very unrealistic in terms of their being able to do it and maintain their jobs, positions of leadership.

And I think we have to provide other kinds of help that potentially are available under Title IV, but operationally now seem to be excluded. And I think that at the same time, in the big cities where the de facto segregation problem is crucial, technical assistance is of little value, because most large-city superintendents feel they already know what the problems are -- they don't need someone to come in and tell them this -- and probably have a feeling that they know what the solutions are in general, or at least to the extent that OE staff members could advise them.

But what they need are the resources to try to carry out some of these solutions and the second prediction I will make is that whether it is movement to consultant

1 activities, there is also some feedback I get from some of
2 my friends still with the program -- there is also a
3 tendency for these consultants to become increasingly en-
4 gaged in compliance activities and the one good thing that
5 happened when compliance was centralized under Secretary
6 Gardiner was that it took the onus of this off the Commissioner
7 and what I fear now is happening is that we are setting up
8 a situation where it will soon develop that Title IV people
9 are not only arguing for, but insisting upon, enforcement
10 -- or taking upon themselves enforcement compliance kinds
11 of activities and we may well find in a flurry of publicity
12 that OE is again charged with assuming compliance activities
13 under the guise of assistance programs which will mean the
14 faster demise of the assistance authorizations and return of
15 the criticism that OE found itself under when it was res-
16 ponsible for compliance under Title VI.

17 (end tape)

59
CR6129
entire

18
19
20
21
22
23
24
25