Educational Leaders Serving Language Minority Students (1965-2001)

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EDUCATIONAL LEADERS SERVING LANGUAGE MINORITY STUDENTS
(1965–2001)

A DISSERTATION SUBMITTED TO
THE FACULTY OF THE GRADUATE SCHOOL OF EDUCATION
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF EDUCATION

PROGRAM IN EDUCATIONAL LEADERSHIP

BY
JENNY M. NEAL

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DEDICATION

To my children Paola, Cesar, and David for whom I strive to always do my best.

I love you more every day. You keep me focused and proud.

Cesar, I miss you. May you rest in peace.
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ABSTRACT

This study analyzes three legislations that affected education for language minority students. The research starts with a historical overview of the foundation of the United States and the education of the non-English speaking population. It examines the conditions that led to the first Bilingual Education Act of 1968, the changes that appeared in the Bilingual Education Act of 1974, and the development of Title III of the No Child Left Behind Act of 2001. The country’s response to English language learners and their individual learning needs is looked at throughout each listed time period, as well as the implications for educational leaders.

Each legislation study answers three questions:

1. What are the economic, political, social, and educational conditions of each time period that influenced the legislation?
2. Who are the leaders that advocated for English language learners?
3. What are their arguments and as a result, what programs were developed?

The primary sources used include public laws, U.S. Senate and House of Representatives hearings, congressional documents, newspaper articles, presidents’ speeches, government reports, and journals. These sources help to understand and describe the trends of each time period and the implications for educational leaders and language minority students.
CHAPTER I

INTRODUCTION

The common understanding in the United States is that it is a nation of immigrants and that people of all ethnic backgrounds come to America looking for a better life. At the beginning of the nation, efforts to accommodate speakers of other languages were evident. Perhaps this omission was purposely made to guarantee that all people were welcomed to the new nation and no one be left out.

Early education in the colonies was organized by members of the community with the goal of preserving the language and traditions brought from Europe. This idea of preserving one’s ethnicity and celebrating heritage still prevails today among many language minority groups. Nevertheless, through the history of the U.S., conditions, which at the beginning accepted multilingualism and bilingual education, have fluctuated between approval and disregard.

Until 1890, immigrants that arrived to the U.S. mainly came from Northern Europe, the British Isles, and Germany. These immigrants fully participated in government and promoted their traditions and languages. After 1890, a new wave of immigrants came—this time, the majority was from eastern and southern Europe with different languages, religions, and traditions. A sentiment of fear amongst native-born people against the first immigrants—known as nativism—appeared. It was a fear that a protestant majority was now competing with Roman Catholics, Jewish, and eastern
Orthodox. Concerns regarding the literacy and skills of these new immigrants were also evident. By 1906, Americanization efforts led to new immigration laws and a desire to have everyone speak the same language—which was English. Anti-immigrant feelings caused many states to pass laws that declared the English language the only language for school instruction. At the beginning of the twentieth century, the goal of education was to incorporate all immigrants to mainstream America and teach the democratic values of American society.

The arrival of over 13 million immigrants from the end of the nineteenth century to the beginning of the twentieth century prompted negative reactions among native-born Americans. The sentiment against new immigrants and their foreign languages, religions, and traditions developed a sense of urgency to teach and promote everything “American” such as traditions, schools, ideals, language, principles, and an overall way of life through organized efforts. This effort toward assimilating new immigrants was termed, Americanization. This effort became even stronger after World War I as many states passed laws that made English the language of instruction. The return of soldiers from World War II brought with it a new attitude toward foreign languages, minority treatment, and schools as agents of change. For example, minority soldiers were expecting new opportunities in America. In 1946, a federal court in California ruled the segregation of Mexican children as unconstitutional, which then led to later racial issues. The movement for education reform and equal access was now under way.

In October 1957, an interest in foreign languages reappeared after the Soviets launched Sputnik, the world’s first artificial satellite. As a result, in 1958, Congress
passed the *National Defense Education Act* (Public Law 85-864) with a goal of teaching foreign languages to monolingual students. It was not until Cuban immigrants settled in Miami, Florida in 1961 that bilingual education reappeared as an official form of instruction. Noted in this research is the circumstance of the Dade County (Florida) Cuban population, which was different from other immigration waves. By the 1960s, the socio-political conditions of the U.S. were ripe for reforms. The Civil Rights Movement played an important role in advocating for change as education reform acknowledged the needs of minority groups.

**Purpose of the Study**

This dissertation examined three significant legislative acts in bilingual education that occurred in U.S. history. These legislation acts are:

- *Bilingual Education Act of 1968*
- *Bilingual Education Act of 1974*
- *No Child Left Behind Act of 2001*

The research examined:

1. The context (educational, economical, social, political) of each of the time periods that influenced the creation and development of these legislations.
2. The leaders who advocated for the language minorities and their arguments of inclusion.
3. The impact these developments had on the educational programs for language minority students.
4. How these factors influenced the educational services approach for student speakers of other languages.

The creation of bilingual education legislation was initially aimed at addressing the needs of children with English as a second language. Initially, the focus was on the Spanish-speaking populations of the southwestern states. Eventually, this developed into a broader spectrum that included all language minority children whose home language was that other than English. Along with these issues, this study considered the conditions that guided the process of change.

The study answers the following research questions.

1. Regarding the *Bilingual Education Act of 1968*:
   a. What were the conditions of the time (educational, economical, social, political) that influenced the creation and development of the *Bilingual Education Act of 1968*?
   b. Who were the leaders that advocated for English language learners and what were their arguments?
   c. What programs were developed to meet the needs of English language learners?

2. Regarding the *Bilingual Education Act of 1974*:
   a. What were the conditions of the time (educational, economical, social, political) that influenced the creation and development of the *Bilingual Education Act of 1974*?
b. Who were the leaders that advocated for English language learners and what were their arguments?

c. What programs were developed to meet the needs of English language learners?

3. Regarding the *No Child left Behind Act of 2001*:

a. What were the conditions of the time (educational, economical, social, political) that influenced the creation and development of the *No Child Left Behind Act of 2001*?

b. Who were the leaders that advocated for English language learners and what were their arguments?

c. What programs were developed to meet the needs of English language learners?

**Significance of the Study**

In the U.S., the number of students that speak a language at home that is English continues to increase. According to the 2002 U.S. Census Bureau, “In 2000, 18 percent of the total population aged five and over, or 47.0 million people, reported they spoke a language other than English at home.”\(^1\)

According to the U.S. Department of Education, the number of English language learner students in public schools reached three million between 1999 and 2000.\(^2\) By

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2004, the number of students with limited English proficiency reached almost five million (4,985,000).\(^3\) As of 2004, this figure represented 10 percent of the total population of school-aged children in the U.S. The number of students that require services to obtain English proficiency continues to rise. This study will examine events from 1950-2001 that influenced the creation and development of legislation that addressed the needs of language minority students.

Educational leaders need to be aware that the English language learner population continues to grow and therefore, is a critical issue today. Educational leaders:

1. Need to understand the socioeconomic and political conditions of each time period studied that influenced the development of legislation, and investigate what has been done to meet the needs of this increasing population.

2. Should recognize the intended goals of the legislation and reflect on the value of giving every child a fair chance.

3. Need to be aware that the social and political attitudes toward bilingual education deserve special attention. For instance, the different attitudes toward language diversity in education resulted in either tolerance or repressive language policies for language minorities.

4. Need to become familiar with the history and evolution of educating language minority students, as well as recognize the leaders who advocated for bilingual education. Furthermore, educational leaders can learn from the

\[^3\text{U.S. Congress, Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students. }\text{Biennial Report to Congress on the Implementation of the Title III State Formula Grant Program, School Years 2004-06. Washington, DC, 2008.}\]
previous experiences that encouraged immigrants to celebrate their ethnic heritage while integrating into society.

5. Need to help raise awareness of issues related to educational equity.

6. Should empower linguistically diverse students to become productive members of society.

Educating language minorities has been an important topic for the U.S. Federal Government as well and addressed at the federal level through legislations and regulations such as the *Bilingual Education Acts of 1968 and 1974*, and the *No Child Left Behind Act of 2001*, to name a few. Providing children with an education is part of a child’s human rights. Language minority students need educational opportunities that recognize their rights as issues of equity and social justice.

**Methodology**

This study used an historical documentary research methodology that looked at the past and helped to interpret the complexity of the examined events. To understand present times, we need to look at the past. The past tells us what has been done to meet the needs of students, reveals an account of what worked and what didn’t, can show the intricate environments where new initiatives took place, and can determine why there was a need to do things differently. It is like a mosaic with many complex parts that form a whole. The historical research tells the story in a fluid and dynamic format that communicates an understanding of the events from the perspectives of those who participated, as well as the researcher’s own interpretation.

In presenting these multiple points of view, the historian’s own interpretation is also very much a part of history. In fact, that is the very
Heart of historical interpretation. Historians openly acknowledge their own biases in a way few other scholars do.\textsuperscript{4}

It is important to acknowledge the researcher’s ethnicity as an immigrant to the United States. The researcher was born and raised in the Dominican Republic and came to the United States as an adult—studying English as a foreign language in Santo Domingo, and later as a second language learner in New York City. The researcher has worked with language minority students for twenty years and has come to understand her role as a student advocate. These issues presented a limitation to the study as the researcher brings her own biases, but also provide an insight about the leader’s role when working with language minority students and advocating for them.

By reconstructing the past, this study aims to understand the educational decisions that were made for language minority students in the U.S., analyze the multiple factors that led to those decisions, and examine the different trends in education.

The following acts of legislation were studied:

- \textit{Bilingual Education Act of 1968}
- \textit{Bilingual Education Act of 1974}
- \textit{No Child Left Behind Act of 2001}

This study analyzed the educational, economic, social, and political conditions during each legislative decision, as well as how circumstances led to the implementation of programs that addressed the needs of the language minority populations of the country.

To examine these governmental legislative acts, *primary* and *secondary* sources were used. There are important distinctions that need to be made amongst these two sources. For instance, primary sources are produced at the time the event being studied occurred, take a range of forms, and may be difficult to find. Secondary sources are created from primary sources, other secondary sources, or both. Furthermore, secondary sources are detached from the time that the event occurred. Both of these accounts helped the researcher to develop the social construct.

Primary sources can appear in a variety of different formats. For the purpose of this study, the primary sources used were congressional hearings, congressional committee reports, legislative reports, presidents’ speeches, official memorandums, census reports, U.S. government records, newspaper articles, government reports, professional organizations’ reports, and superintendents’ reports. These primary sources provided first-hand information of each era and offered insights into the socioeconomic and political climates. In addition, reports and journal articles from key leaders, grassroots organizations, books printed during the different periods, and previous arguments leaders made to impact legislation that addressed the needs of language minority children were used.

Secondary sources are the interpretations of researchers removed from direct contact with the event being researched, and are produced from primary sources or a combination of both primary and secondary sources. Secondary sources are generally

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5 Ibid., 399.
available in published form\textsuperscript{6} and are produced at a later time, away from the event. According to Leslie Stebbins, “It is not possible to do original research until you are familiar with the work of scholars who have investigated similar terrain.”\textsuperscript{7} Secondary sources assisted the researcher by providing information that helped find primary sources. This study used scholarly articles, published books, journal and magazine articles, and newspaper articles written at a later time away from the event.

\textbf{Brief History of Bilingual Education}

From its very beginning, the U.S. has encompassed a variety of languages, cultures, and ideals. Different linguistic and cultural groups such as German, Dutch, French, Swedish, Irish, and Welsh have been present since the American Revolution. Of importance to note is the fact that even though the Constitution of the United States is in English, it does not establish an official language. The new settlers were willing to work their differences out and find ways to communicate with each other, while respecting the rich diversity that came to America.

The U.S. Colonial period was characterized by tolerance toward other languages from European countries. Also, important government documents were translated in different languages to keep community members informed. The largest immigrant group of non-English speakers was the Germans who settled in areas where they were the majority and exercised political and economic control of their communities. They organized schools that promoted their religious beliefs and language.

\textsuperscript{6} Ibid., 80.

This open attitude toward language did not apply to Native Americans. The need for land required a new way of living for the original inhabitants. It was perceived that the only way this conflict could be resolved was through education and a common language—English.

As the U.S. expanded its territories, it acquired land inhabited with speakers of other languages. In the southwestern states of Arizona, California, New Mexico, and Texas, the majority of the population either spoke Spanish or Indian languages. When the territories were first taken over, all government and legal documents were published in English and Spanish. This changed as more European settlers came to these territories; English became the primary language of the region.

After the Civil War, there was an urgency to establish a national identity with the same values, beliefs, and language among the population. In the U.S., a growing nationalist sentiment developed in the form of Americanization. This movement was spearheaded by the older immigrants whom feared the wave of immigrants from southern and eastern Europe, with their different religions and languages, could change the democratic values of the nation. The common schools played an important role teaching the values of the community and using English as the language of instruction. In order to restrict the stream of newcomers, new immigrations laws, which included literacy tests, were passed. The new immigrants were considered less desirable “elements” for the American society. This is when language restrictions started to appear.

During the Great War (World War I), a popular belief related the English language with loyalty toward the U.S. This encouraged public attitudes in America to be
against the use of languages other than English. During World War II, discrimination against Japanese Americans and immigrants placed them in internment camps. While American soldiers were fighting injustices in Europe, injustices occurred on American soil, not only with the Japanese descendants but also with African Americans and other ethnic minorities.

The return of the troops brought changes to American society. For instance, soldiers, both Caucasians and minorities, expected better treatment and opportunities for all persons. The ideas of social justice spread across the nation and the cause for the Civil Rights Movement advanced. As the socio-political environment changed in the U.S., education played a greater role as a means of overcoming disparities in society. School segregation was a priority. At the same time, the U.S. found itself ill-equipped to compete with the communist Soviets who launched Sputnik. To combat what was seen as education inequities, Congress passed the National Defense Education Act (Public Law 85-864), which provided assistance in math, science, and foreign language. The knowledge of foreign languages was once again, considered an asset to the country.

In 1960, the Cuban immigration to the U.S. brought bilingual education into the spotlight. These students came from a strong middle class background and high literacy levels in their native language. Furthermore, these students were expected to return to Cuba as soon as the political conflict was solved, so they needed to maintain their native language. New instructional models were developed to meet the needs of these students. Models started to appear in other states, but it was not until 1968 that legislation formally approved bilingual programs for language minority students.
Definition of Terms

Adequate Yearly Progress (AYP) - Within Title I of No Child Left Behind Act of 2001 each state is required to determine Adequate Yearly Progress. AYP indicates the expected growth in content areas (reading, language arts, math, science) for students served with Title I funds are expected to gain each year. There are various penalties for schools not reaching AYP across two to four years.

Americanization - The effort of assimilating new immigrants.

Annual Measurement Achievement Objectives (AMAOs) - Within Title III of the NCLB Act of 2001, each state is required to determine Annual Measureable Achievement Objectives. AMAOs indicate how much English language proficiency (reading, writing, speaking, listening) children served with Title III funds are expected to gain each year.

Bilingual Education - Various models that use both English and native-language instruction to teach school subjects, and that feature some form of English as a second language instruction.\(^8\)

Developmental Bilingual Education (DBE) - The goal of this program is to develop fluency bilingualism as well as academic excellence. It phases into English gradually while still developing skills in the native language.\(^9\)

Dual Language (also known as two-way bilingual education or bilingual immersion) - A model that combines DBE for language-minority students and foreign-

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\(^9\) Ibid., 267-268.
language immersion for English-proficient students with the added benefit of peer
tutoring. The goal is to enable each group to learn the other’s native language while also
meeting high academic standards.\textsuperscript{10}

English as a Second Language (ESL) - English as a second language is an
educational approach where English language learners are instructed in the use of the
English language. This instruction is based on a special curriculum that typically involves
little to no use of the native language, focuses on language (as opposed to content), and is
usually taught during specific school periods. The remainder of the day, students may be
placed in mainstream classrooms, an immersion program, or a bilingual education
program.

ESL Pullout - ESL pullout is a supplemental instruction for LEP (Limited English
Proficient) children who are removed from submersion classrooms—typically for 30-45
minutes each day. ESL pullout is usually provided by teachers who do not speak the
native language of their students.

Grammar-based ESL - Instruction in English that teaches the language, its
structure, and vocabulary, Grammar-based ESL typically stresses drills, translation, and
conversational exercises.

Historical Research - “The process of systematically examining past events or
combinations of events to arrive at an account of what has happened in the past.”\textsuperscript{11}

\textsuperscript{10} U.S. Department of Education, Office of Civil Rights.

\textsuperscript{11} Johnson and Christensen, 393.
Immersion Education - Approach to teaching language where the target language is used exclusively to provide instruction.

Language Minority Students - Children in grades K-12 from homes where a language other than English is spoken.

Limited English Proficient (LEP) Students - Also known as English language learners, these are language minority children who have difficulties in speaking, comprehending, reading, or writing English that affect their school performance.

Native-Language Instruction - The use of a child’s home language for academic instruction.

Native-Language Support - The use of a child’s home language for clarification purposes or to explain new concepts taught in English.

Nativism - A sentiment of fear amongst native-born people against the first immigrants.

No Child Left Behind (NCLB) Act - The No Child Left Behind Act of 2001 is the most recent reauthorization of the Elementary and Secondary Education Act of 1965. The act contains former president George W. Bush’s four basic education reform principles: stronger accountability for results, increased flexibility and local control, expanded options for parents, and an emphasis on teaching methods based on scientifically based research.

Primary Source - “A source in which the creator was a direct witness or in some other way directly involved or related to the event.”

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12 Ibid., 399.
Secondary Source - “A source that was created from primary sources, other secondary sources, or some combination of primary and secondary sources. It is at least one step removed from direct contact, involvement, or relationship with the event being researched.”\textsuperscript{13}

Sheltered English - The use of English as a second language strategies to teach content areas at the level of the learner’s proficiency.

Transitional Program of Instruction (TPI) - For non-native, English-speaking students who have difficulty with written or spoken English. The program provides support to help students succeed in academic subjects and learn English.

Transitional Bilingual Education (TBE) - A program that provides a portion of the student’s education in his or her native language.

\textbf{Overview of the Chapters}

Chapter II provides an historical perspective of educational programs for language minority students in the U.S. from Colonial times to the Civil Rights Movement. Within American education, this chapter also explains concerns about educating English language learners, the leaders that emerged for the language minority children, and the types of programs that were in place.

Chapter III examines the conditions of the time (educational, economic, social, political) that led to the amendment of the \textit{Elementary and Secondary Education Act of 1965}, also known as the \textit{Bilingual Education Act of 1968 (P.L. 90-247)}. It analyzes the programs that were developed to meet the needs of the language minorities, identifies the

\textsuperscript{13} Ibid.
leaders that advocated for English language learners, and presents their arguments of inclusion. Congressional hearings, government documents, reports, and professional organization publications were used to describe the educational and socio-political environmental conditions.

In Chapter IV, a number of changes to the law, in relation to the Bilingual and Education Act of 1974, were outlined (PL 93-380). The new act no longer limits services to lower income students but instead includes the need to provide primary language and cultural instruction. A new component in the law was the creation of the National Clearinghouse for Bilingual Education to collect and disseminate information. The chapter takes into account the socioeconomic and political context of the time, leaders that advocated for these changes, the arguments they raised, and the educational programs utilized to facilitate instruction for English language learners.

Chapter V discusses Title III of the No Child Left Behind Act of 2001 that established the parameters that rule education for language minorities still today (PL 107-110). Title III of the No Child Left Behind Act replaces Title VII of the Elementary and Secondary Education Act, also known as the Bilingual Education Act. The main objective of this law is for students to master the English language and be assessed yearly. Primary sources were used to provide historical context before the approval of the law. Also examined are the various leaders that advocated for languages minorities and the arguments they raised.

Lastly, Chapter VI includes a summary of the study and answers to the research questions regarding the three studied legislative acts. This chapter also includes a study
analysis, along with implications for educational leadership. It concludes with recommendations for further research.
CHAPTER II
HISTORICAL PERSPECTIVE OF EDUCATIONAL PROGRAMS FOR ENGLISH LANGUAGE LEARNERS

The United States is a nation of immigrants. Almost every person in the United States is a descendant from someone who arrived from another country. Since the beginning of its colonization by the Europeans, many languages have been spoken in America. This chapter describes the significant developments in bilingual education within American education through an historical perspective that covers the:

1. Concerns of educating English language learners.
2. Leaders that emerge for children speakers of other languages.
3. Types of programs put in place.
4. Educational theories that guided practice from its beginning until 1965

**Time Period of 1607 to 1860**

In the beginning of the Colonial period, and under British control, the English language was the dominant language of government and trade. In 1664, when the British acquired New Netherland, at least eighteen languages alone were spoken on Manhattan Island (now known as New York City).\(^1\) During the establishment of the colonies, bilingualism was common at all social levels. Since the Colonial era, efforts were made...

\(^1\) Crawford, 21.
to accommodate non-English speakers. During the Continental Congress and the Revolutionary War, many official documents were published in German and French.\(^2\)

In 1751, Benjamin Franklin expressed concerns about the German immigrant that threatened to overpower the English population in Pennsylvania. In “Observations Concerning the Increase of Mankind,” 1755, Franklin stated:

Why should the Palatine Boors be suffered to swarm into our Settlements, and by herding together establish their Language and Manners to the Exclusion of ours? Why should Pennsylvania, founded by the English, become a Colony of Aliens, who will shortly be so numerous as to Germanize us instead of our Anglifying them, and will never adopt our Language or Customs, any more than they can acquire our Complexion.\(^3\)

Franklin predicted that if the growth of the German population continued, it would be necessary to use interpreters in the Colonial Assembly. This perception about Germans was not shared among early leaders.

In the Journals of the Continental Congress (1774–1789), French and German language translations of laws were ordered. For example, on January 14, 1777, correspondence between the Executive Committee to John Hancock stated:

Having taken a copy of the enclosed address from the Convention of New York to their constituents and given it to Mr. Lewis Weiss to translate into the German Language with orders to print immediately one thousand copies of it, we send you the original not doubting but it will be very pleasing to Congress as it has been to us. We recommended Mr. Weiss to preserve in his translation the spirit of the

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original if possible. The Convention of New York if we remember right desired 300 copies in Dutch. We mean to send you 2 to 300 copies to be circulated amongst the Germans of Virginia and Maryland and the rest to be dispersed amongst those in this province and although the Convention may publish it in their State, yet few of their publications may reach the rest of America and we wish for orders to publish it here either in newspapers or in a pamphlet as may be judged best.⁴

Similar examples can be found for French speakers. On November 29, 1777, the Continental Congress declared:

Resolved, That a committee of three be appointed to procure a translation to be made of the articles of Confederation into the French language, and to report an address to the inhabitants of Canada, inviting them to accede to the union of these states; that the said committee be further directed to report a plan for facilitating the distribution of the said articles and address, and for conciliating the affections of the Canadians towards these United States.⁵

According to Crawford:

Not only was bilingualism generally accepted as a fact of life, but the Continental Congress actively accommodated politically significant groups of non-English speakers. During the Revolutionary War, it published many official documents in German and French including the Artikel des Bundes und der immerwahrenden Eintracht zwischen den Staaten, or Articles of Confederation.⁶

Linguistic pluralism has been part of the U.S. from its conception. The founding fathers kept an open mind toward its non-English speaking immigrants—wanting to include these immigrants and maintain their support and loyalty toward the cause of independence.

⁴ Letters of Delegates to Congress: Volume 6 January 1, 1777-April 30, 1777—Executive Committee to John Hancock. http://memory.loc.gov/cgi-bin/query/r?ammem/hlaw:@field(DOCID+@lit(dg006184)) (accessed April 8, 2010).


⁶ Crawford, 22.
Since 1778, the purpose of instructional approaches toward Indians was to promote civilization. The colonizers saw the Indian languages and culture as uncivilized and barbaric. As Leibowitz stated, English language in Indian schools was first mentioned in the Indian Peace Commission report, a report that indicated the differences in language as the primary cause of all the troubles.

The wave of our population has been from the east to the west. The Indian was found on the Atlantic seaboard, and thence to the Rocky mountains lived numerous distinct tribes, each speaking a language as incomprehensible to the other as was our language to any of them. As our settlements penetrated the interior, the border came in contact with some Indian tribe. The white and Indian must mingle together and jointly occupy the country, or one of them must abandon it. If they could have lived together, the Indian by this contact would soon have become civilized and war would have been impossible. All admit this would have been beneficial to the Indian. Even if we thought it would not have been hurtful to the white man, we would not venture on such an assertion, for we know too well his pride of race. But suppose it had proved a little inconvenient as well as detrimental, it is questionable whether the policy adopted has not been more injurious. What prevented their living together? First. The antipathy of race. Second. The difference of customs and manners arising from their tribal or clannish organizations. Third. The difference in language, which in a great measure barred intercourse and a proper understanding each of the other's motives and intentions.7

In 1780, John Adams proposed to the Continental Congress the creation of an English language academy. At this time, it is assumed that a desire to reproduce monarchical cultural institutions that contradicted the democratic ideals of the new nation did not exist.

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Thomas Jefferson also showed an appreciation for languages. Through his letters, he advised his daughters to learn languages. In a correspondence with his nephew, Peter Carr, Jefferson stated:

You are now, I expect, learning French. You must push this; because the books which will be put into your hands when you advance into mathematics, natural philosophy, natural history, and so forth, will be mostly French, these sciences being better treated by the French than the English writers. Our future connection with Spain renders that the most necessary of the modern languages, after the French. When you become a public man, you may have occasion for it, and the circumstances of your possessing that language may give you a preference over other candidates.8

Dr. Benjamin Rush, member of the Continental Congress and an original signer of the Declaration of Independence, advocated that a new German College be built. He favored bilingual education at the higher level that would teach in German and French, in addition to English. Rush said:

The German and French language should be taught in this university. The many excellent books which are written in both these languages upon all subjects, more especially upon those which relate to the advancement of national improvements of all kinds, will render a knowledge of them an essential part of the education of a legislator of the United States.9

As cited by Butterfield,

He believed that by ‘teaching and learning in their own language’ the Germans would acquire a more rapid knowledge of the English language. Furthermore, he hoped that the German language would not be completely

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lost to Pennsylvania: It will be the inlet into the state of all the learning of one of the wisest nations of the world.\textsuperscript{10}

Noah Webster, who worked on defining words that Americans used, provided an alternative to national language standardization. His was an individual effort, not an official initiative. In 1789, Webster presented his dictionary and speller in an effort to differentiate what he called “Federal English” from the language of the mother country. Webster believed that language should reflect the social and political organization of the new nation. As pointed out by author Denis Baron, Webster saw the American language as a representation of an independent nation with its own system.\textsuperscript{11}

On April 1, 1794, during the first session of the Third United States Congress, Mr. Preston, from the committee to whom was referred the petition of a number of Germans residing in the State of Virginia, made the following report:

That the Secretary of State be authorized to have such proportion of the laws of the United States printed in the German language as he may think proper and necessary to accommodate the German citizens of the United States.\textsuperscript{12}

The Colonial period did not have an official language; numerous languages, such as Dutch, French, Swedish, Scottish, Irish, German, and Portuguese were spoken. Many political leaders recognized the benefits of multilingualism and respected language diversity. At the same time, language helped differentiate between the British and the new nation. Leaders were worried about the educational needs of the country. They saw


\textsuperscript{11} Denis Baron, The English Only Question: An Official Language for Americans? (Yale University Press, 1990), 43.

schools as a way to promote the values of the new nation. Language choice, on the other hand, was part of man’s individual freedom. For example, in his book, *A Source Book on the Official English Controversy*, author James Crawford said, “English was regarded as a practical instrument rather than a symbolic unifier.”

On September 9, 1817, Jefferson proposed a bill to the General Assembly of Virginia for the establishment of elementary schools throughout the state. The bill established guidelines, such as a new school built in each county and a supervisor for every ten schools. Other guidelines included age requirements of the children and funding for educational support. The bill was not approved. Jefferson considered education in any language valid and made no specific remarks about the English language itself.

At this school shall be received and instructed gratis, every infant of competent age who has not already had three years’ schooling. And it is declared and enacted, that no person unborn or under the age of twelve years at the passing of this act, and who is *compos mentis* (of sound mind), shall, after the age of fifteen years, be a citizen of this commonwealth until he or she can read readily in some tongue, native or acquired.

The Native American languages were not seen as the right of the people of the Americas. Since the beginning of the nation, the U.S. goal was to *civilize* and *Christianize* the Indians. The first U.S. provision for the expenditure of funds toward Indian education was initiated in 1802 with the idea of promoting civilization. Usually, missionaries assisted the government in its effort of advancing the Indians. In 1819, the

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U.S. Congress passed yet another provision to improve and civilize the original inhabitants. According to Leibowitz, territorial land expansion increased the need for land so it was important to educate the natives so their need for land would not interfere with the interest of the settlers. It is important to note that:

A significant development in the history of Indian education was the establishment by a number of Indian tribes of their own schools. As early as 1805, the Choctaw chieftains maintained a school with annuity funds. In 1841 and 1842, before a number of states had provided for public schools, the Cherokee and Choctaw nations had put into operation a common-school system.15

Another issue faced by the Indians regarded the land they occupied. As the colonizers expanded west, the urge to civilize the aborigines in order to decrease their need for land, became imperative. In his second inaugural address on March 5, 1821, President James Monroe declared that control of the Indians overextended territories needed to be restructured into manageable sizes. Monroe stated that once Indian children were educated, their need for vast territories would decrease.16

On May 30, 1830, at the initiative of President Andrew Jackson, Congress adopted the Indian Removal Act, which forced the Indians to move west of the Mississippi River. But, the demand for land continued and in 1862, Congress passed the Homestead Act17—one of several United States federal laws that gave title of

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17 An Act: To Secure Homesteads to Actual Settlers on the Public Domain, 37th Cong. 2nd sess. 12
undeveloped land outside of the original thirteen colonies and up to 160 acres to the Indians. The education of the Indians had been in the hands of missionaries and religious organizations that used the native languages up until that point. The Indian Peace Commission report encouraged compulsory education and the use of English in schools.

Under the plan which we have suggested the chief duties of the bureau will be to educate and instruct in the peaceful arts—in other words, to civilize the Indians. The military arm of the government is not the most admirably adapted to discharge duties of this character. We have the highest possible appreciation of the officers of the army, and fully recognize their proverbial integrity and honor; but we are satisfied that not one in a thousand would like to teach Indian children to read and write, or Indian men to sow and reap. These are emphatically civil, and not military, occupations.18

After the Civil War, the U.S. Government began establishing schools that were conducted only in English. This practice displaced the mission schools and their bilingual approach. Many Indian schools were closed and government created off-reservation boarding schools. As a result, Indians were taught in English and bilingual schools were replaced.19

The U.S. Government considered the language barrier as a main cause of conflict with the Native Americans:

Naturally the Indian has many noble qualities. He is the very embodiment of courage. Indeed, at times he seems insensible of fear. If he is cruel and

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revengeful, it is because he is outlawed and his companion is the wild beast. Let civilized man be his companion, and the association warms into life virtues of the rarest worth. Civilization has driven him back from the home he loved; it has often tortured and killed him, but it never could make him a slave. As we have had so little respect for those we did enslave, to be consistent, this element of Indian character should challenge some admiration.

But suppose, when civilized, our pride had still rejected his association, we could at least have removed the causes of war by giving him a home to himself, where he might, with his own race, have cultivated the arts of peace. Through sameness of language is produced sameness of sentiment and thought; customs and habits are molded and assimilated in the same way, and thus in process of time the differences producing trouble would have been gradually obliterated. By civilizing one tribe others would have followed. Indians of different tribes associate with each other on terms of equality; they have not the Bible, but their religion, which we call superstition, teaches them that the Great Spirit made us all. In the difference of language today lies two-thirds of our troubles.20

Language was used as an explanation to the conflicts with the Native American:

Forced assimilation also included the extermination of Native American languages. In 1868, the Peace Commission, composed of the Commissioner of Indian Affairs and a group of generals—including General Sherman, set the tone for later Native American language policy. The commission report noted that Indians had to learn the English language in order to reduce conflict between whites and Native Americans and to achieve the benefits of civilization.21

As the English language established itself as the dominant language, the expansion of other languages decreased. “From 1790 to 1815, the domain of English continued to expand at the expense of rival tongues. European military conflicts and

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21 Schmid, 23.
efforts to check emigration, combined with the War of 1812, made trans-Atlantic passage
difficult to impossible.”

According to Marcus Lee Hansen,

The isolation of the United States during the war dramatized a condition
which had been more or less true since the struggle for national
independence. Eight years of the American Revolution, ten years of
political uncertainty from 1783 to 1793, nineteen years of European
turmoil, and three years of American involvement—these years comprised
a period during which immigration was hardly more than a trickle. A
society accustomed to constant infusions from abroad found time to adjust
itself to a condition where its people were home-born and home-bred.

Around this time, nationalism, in the form of Americanization, started to take its
roots and was reflected in different areas of life. In addition, religious groups such as the
Reformed Protestant Dutch Church, the Lutheran Ministerium of Pennsylvania, and the
Presbyterians declared their independence from European churches and created national
organizations. This growing nationalism also created a lack of trust for pastors without
formal training. This resulted in the creation of numerous seminaries and higher
educational institutions at the beginning of the nineteenth century.

From the establishment of the settlement in America until the beginning of the
1800s, education was in the hands of parents, churches, or a combination of parents and
town support. Society was predominantly agricultural and schools were not very
extensive. European immigrants created their own parochial schools and churches. These
institutions used languages other than English such as German, Swedish, and Norwegian,

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22 Crawford, 23.

among others. While America’s economy expanded and cities grew, the inclusion of English instruction started to appear in parochial and private schools.

After the War of 1812, the European economy was at a disadvantage as more than twenty-five years of war had left the economy in a poor state. There was a depression of industry and countries like France demanded protectionist methods such as tariffs. As a result, many countries imposed tariff barriers to protect its local industries, unemployment rose, and news of opportunities in America spread quickly. This made even more people migrate to America.

In the countries excluded from trade, hands became idle, spirits depressed, and even those who had as yet escaped saw disaster impending. Among such workers the spirit of emigration quickly spread.24

With the advent of the Industrial Revolution in the early 1800s, educational expectations of the U.S. changed. In the northern region, the beginning of industrialization was in full effect. For example, mechanization and early factories altered their dependency on the craftsmanship skills that Europeans brought. In the southern region, the invention of the cotton gin increased the need for slaves. The disparities between the North and the South amplified as displaced farmers arrived in cities and competition for jobs landed squarely in the hands of the economic forces of supply and demand. In Europe, the lack of jobs made for difficult times. Furthermore, with the extreme cold weather came a lack of fuel and high costs for basic necessities such as food and clothing. Migration to the U.S. swelled during the 1830s, bringing with it a large number of Roman Catholics to the predominantly Protestant nation. Anxiety grew as

24 Hansen, 81.
Protestants worried about the nation’s moral health, common public values, and education that could meet the needs of the economic expansion.

Throughout the 1830s and into the 1840s, the number of newcomers to the Midwestern states increased in response to the open immigration policy. The only choice was to begin accommodating this wave of immigrants. As a result, bilingual instruction increased in both private and public schools throughout the mid-nineteenth century to the point where bilingual instruction became law in states such as Louisiana (French and English in 1847) and Ohio (English and German in 1839). In Wisconsin, it became the norm that if a newly created school district were predominantly German, then teachers were hired and schools conducted either exclusively in German or in both German and English.

In his book, *The English Only Question*, Dennis Baron indicated that the delegates of the 1837-1838 Pennsylvania Constitutional Convention discussed using the English language in a systemic way throughout the country. Some delegates were in favor of an educational program that allowed non-English speakers to get their education in their native language while they learned English. Many delegates agreed that to serve the country and demonstrate loyalty and citizenship, English was necessary. It was concluded that language issues should not be dealt with in the Constitution but instead, in the legislation, but the Convention rejected a bilingual amendment although there was no

25 Schmid, p. 20.


27 Baron, 79-80.
opposition in publishing the documents of the Convention in German as well as in English.

On March 16, 1839, Ohio legislature authorized schools to provide education in a language other than English.28

Bilingual education is not a recent invention, but originated in the Colonial era. During the nineteenth century, German-English schooling was authorized by law in several states and flourished unofficially elsewhere. Other European tongues were also taught (sometimes as the language of instruction and sometimes as a subject) in response to the pressure from immigrant communities.29

Before the Civil War, the largest immigrant group of non-English speakers was the Germans. They settled in remote, rural areas where they were the majority. The Germans were in control of their socio-political systems, promoted their religious beliefs, and organized schools where although English was taught, instruction was done in German.

In Europe during the 1850s and 1860s, changes introduced by industrialization left many people that worked in the English cotton industry (known as spinners) without jobs and farmers without land to feed their families. Extreme starvation, political unrest caused by the potato famine in Ireland, poor wheat and rye harvest throughout Europe, and political revolutions related to economic disturbances accelerated the already large immigration to America. The majority of these immigrants came from Ireland and


Germany. During this decade, the immigration wave was three times the number of the native-born population in the U.S.\textsuperscript{30}

In the southwest territories, Spanish-speaking people and Native Americans occupied the land. After the Mexican-American War of 1848, the U.S. acquired a vast territory that later became the states of Arizona, California, New Mexico, and Texas. Individuals occupying these territories were given a year to leave or default to becoming U.S. citizens.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please without their being subjected, on this account, to any contribution, to tax or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But, they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.\textsuperscript{31}

After one year, when this vast majority of occupants became citizens, suddenly, there were a large number of citizens that spoke a language other than English.\textsuperscript{32}


\textsuperscript{32} Leibowitz, 4.
As cited by Haines:

By the United States Census of 1850 the population of New Mexico was fixed at 61,547, excluding Indians; in 1860 it had increased to 80,567 of whom 73,856 were native Mexicans; 1,168 were natives of the United States; and 5,479 were foreigners.33

The majority of people in the southwest territories were Spanish-speakers until 1848. This situation quickly changed with the advent of the California Gold Rush (1848-1855). Around the beginning of the Gold Rush, Mexican laws were no longer in effect. Very few laws existed regarding property rights since the U.S. had just taken over California land. This increase of the Anglo Saxon population was detrimental for the Spanish-speaking native.

Referring to California, Leibowitz stated:

At the time of statehood, eighteen percent of all education in the state was private and Catholic. These private schools were composed of pupils mainly of Spanish-speaking descent, and the children were taught in the Spanish language under the direction of the padres. Initially, these schools were state supported, but in 1852 a new law prohibited religious schools from sharing in the apportionment of state funds.34

This type of action was consistent with the nativism sentiments in other governmental areas. Since the Catholic Church was the main provider of education for the majority of Spanish-speaking pupils, church officials were very active in opposing the imposition of English in education.

In 1850, Texas differed from California because Texas did not have a public school system, although California did. To address this problem, Mexican parents

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34 Leibowitz, 50.
independently organized schools. Schools recognized by state government as “legitimate” reimbursed these parents for any child they enrolled. In many instances, children did not receive education at all because this system (where Mexican parents organized and taught in schools) was random so many students were overlooked.

During the Colonial era and the beginning of the U.S., bilingual education was characterized by the immigrants’ desires to maintain their religious, cultural, and ethnic affiliation with their motherland. The communities in each of the particular enclaves took care of the educational needs of their children. Initially, education was conducted using the prevalent language in the community. It was not unusual to have government documents published in different languages. At that time, no particular leader emerged for language minorities. Instead, it was a community effort to preserve traditions—mostly, schools were supported by its community. The educational program in place varied from one language only to a combination of two languages—for example, German only or German and English. At this time, the goal of education was not to promote bilingualism. As pointed out by Kloss, a tolerance policy existed that did not interfere with the new nation’s values. The news of economic opportunities, religious freedom, and acceptance spread rapidly in the Old World and even more immigrants arrived to the U.S.

**Time Period of 1860 to 1890**

The Civil War, also known as the War Between the States, began April 12, 1861, when southern troops opened fire on a U.S. military post in Charleston, SC. The war ended four years later in 1865. Although the nation survived, there were great
expectations that public schools would help pave the way to reconstruction. Immigrants continued to arrive, settling in small enclaves according to their ethnic roots. Due to the local character of schools, many bilingual schools were created because of the populations it served. In 1867, the U.S. Bureau of Education was founded and created to support the public school goal of designing a common American culture. But, the bureau did not have local control of schools. Public bilingual schools did not manifest the same throughout the country.

In Wisconsin, specific efforts were made to attract German immigrants to populate the land. In 1852, the Commission of Immigration established a resident commissioner in New York to distribute pamphlets and information about Wisconsin to increase and generate interest. In addition to these efforts, letters to friends and relatives with testimonials of recent arrivals played a major role of advertising the similar characteristics of the land in Wisconsin to the farms at home. The Germans concentrated in areas according to their town of origin and religious background. As a result, many schools used German for instruction. The superintendent of schools in Marathon County, Wisconsin, argued:

I must say the principal cause for such decided failure is that these children were not taught to read in their own language first … The children should first learn to express their thoughts in their mother tongue; they should first learn to read that and afterward they would learn more of the English language in three months than they would learn, in the old way, in three years . . . our public schools can be made beneficial to foreigners only if conducted on this principle … But let the child’s mind
have a chance to enlarge by the use of its own language and it will in time learn another language ten times faster and understandingly.\textsuperscript{35}

The movement toward language restriction and nativism affected ties with the German language. In 1869, as a result of this change in sentiment, Wisconsin state laws required that English be used in public schools and permitted only one hour of foreign language instruction. This concession opened the door for some school leaders to separately continue serving their German population. Several educators believed that children needed to learn to express their thoughts in their mother tongue. So, many German parents decided to send their children to private Catholic or Lutheran schools where instruction was conducted entirely in German. These language restrictions were representative of the nativist feelings that appeared after the Civil War.

In 1868, William Torrey Harris, the St. Louis, Missouri superintendent of schools, was adamant about bringing the German pupils that were mostly attending private schools to the public schools. He introduced German to the curriculum and promoted his view of the importance of creating generational tides between the younger generation of German Americans and their ancestry. During his administration, he was able to increase the number of German pupils attending public schools from 20 to 80 percent. In the Twenty First Annual Report of the Board of Directors of the St. Louis Public Schools for the year ending August 1st, 1875, Harris announced:

The increase in the German classes of the present year over the year previous is 859 German Americans and 542 Anglo Americans. The experiment spoken of in last year’s report progresses successfully. The

Anglo American pupils commence in the lowest grade in the same classes with the German Americans, and continue in the same classes in the second, third, fourth, and even as far as the fifth year or grade. There seems now to be no room for doubt that this may be carried out in all the grades of the district schools. This arrangement will require one-third less classes than the old system, and save, in consequence, much of the confusion that was occasioned in the English classes by the absence of a part of their pupils to attend German recitations.  

Harris’ ultimate goal was to Americanize theses public school students. As cited in Schlossman, Harris stated:

If we do not ‘Americanize’ our immigrants by luring them to participate in our best civilization and to adopt and enlightened social intercourse with us, they will contribute to the degeneration of our political body and thus de-Americanize and destroy our national life.

In Texas, particularly in its southern section, a strong presence of Spanish-speakers existed. By the end of the Civil War, the state of Texas had no public school system in place or even established. Most children attended private parochial schools where Spanish was used for instructional purposes. Other immigrant groups had their own schools, such as the Germans, and used their native languages for instruction as well. Although the 1871 Reconstruction school law established a Texas public education system, it did not specify that a specific language be used.

Provided, that the Board of Education for this State shall prescribe no rule or regulation that will prevent the directors of the school districts from making any separation of the students that the peace and success of the school and the good of the whole may require.

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36 St. Louis Public Schools, *Twenty First Annual Report of the Board of Directors of the St. Louis Public Schools* for the year ending August 1st, 1875 (St. Louis: Globe-Democrat Job Printing, Co., 1876), 31.


38 Texas, General Laws of the Twelfth Legislature of the State of Texas, First Session—1871, Chapter LIV: *An Act to organize and maintain a system of public free schools in the State of Texas* (Austin,
So, schools were free to use the language of their choice. For example, under the leadership of Jacob C. DeGress, the first Texas state superintendent of public instruction, teachers could teach in Spanish, German, or French during the school day for up to two hours a day. But, restrictions to bilingual education were applied when the Anglo immigration increased. The Progressive Era favored centralization and control of the schools, eliminating the community system that allowed for bilingual education.39

From 1881 to 1890, another wave of immigrants arrived—this time from southern and eastern Europe—many of whom were Roman Catholic, Jewish, and eastern Orthodox. These newly arrived immigrants increased native-born Americans’ concerns regarding wanting these newcomers to conform to the morals of the Protestant way of life. Americans expected schools to assist in the process of teaching the values of the majority and in preparing children for the industrial needs of the country.

After the Civil War, the forces of nativism banded together again and, led by the American Protective Association (APA), ended the period of leniency for the German community. . . . The teaching of German in public schools came under severe attack in the 1880s, and the use of German was discontinued in St. Louis, Louisville, St. Paul, and San Francisco.40

In 1881, in Dodgeville, Wisconsin, assemblyman Michael Bennett introduced a bill that required stricter attendance for public and private schools and required the use of English in all schools. This bill created uproars among the large German community who

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saw this law as an infringement of their personal liberties guaranteed by the U.S. Constitution. This mobilized the German community to action. This compulsory education law stated:

Section 5. No school shall be regarded as a school, under this act, unless there shall be taught therein, as part of the elementary education of children, reading, writing, arithmetic, and United States history, in the English language.41

The Germans, Lutherans, and Catholics opposed this law to the extent that they mobilized forces and defeated the Republicans in the 1890 election. A law that banned the use of German language in schools was repealed in 1891, and affected private and public schools. Once again, the English language was established as the dominant language.42

Not all language minority groups were as politically organized as the Germans. For Native Americans, the end of the Civil War also marked a more forceful approach to Americanization. In 1873, Edward, P. Smith, then-Indian commissioner, said:

The Indian has no regular habits or hours. He eats and sleeps when and where he will or can, and no school attendance, which depends upon regular home habits of the parents or children, can be relied upon. It is also well-nigh impossible to teach Indian children the English language when they spend twenty hours in the wigwam, using only their native tongue. The boarding-school, on the contrary, takes the youth under constant care, has him always at hand, and surrounds him by an English-speaking


community, and, above all, gives him instruction in the first lessons of civilization, which can be found only in a well-ordered home. Any plan for civilization which does not provide for training the young, even though at a largely increased expenditure, is short-sighted and expensive. A large expenditure for a few years in the proper direction will be more economical than a smaller expenditure perpetuated.  

Native American parents were forced to send their children to boarding schools. This coercive policy was aimed at dissolving the Indian social organization and way of life. Families that refused were affected by strict economic measures such as the withholding of rations (food) and money. In New Mexico Territories, the 1873 annual report cited:

On taking charge of this agency I find no teacher employed, and consequently no schools. It is now about twenty-five years since Colonel Donophan found and conquered the Navajo Indians, and our Government acquired them with the Territory of New Mexico. It is five years since they were removed here again, under the treaty made by General Sherman and Colonel Tappan, and to-day I firmly believe there is not an Indian on the reservation who can read, and not one who can speak a dozen words of English; hence all the effort for twenty-five years to civilize, Christianize, and make self-sustaining these Indians has been a failure, and the money expended a loss to the Government and the Missionary Board.

These Indians are as apt to learn as any that I have ever known. What, then, is the cause of the failure? My experience with Indians, and my knowledge of the Navajoes after an acquaintance of many years, has impressed me with the conviction that the defect lies in the fact that industrial and boarding schools have not been established; day-schools are of no account.


44 Ibid., 272.
The desire to change the Indian traditions coincided with the discovery of gold in California, the development of the transcontinental railroads, and the need to divide the Native American lands to later transfer to Caucasian owners. In 1879, almost twelve years after the Indian Peace Commission report, the first off-reservation boarding school was established in Pennsylvania. These schools separated Indian children from their parents and prohibited the use of Indian language, customs, and dress. This was a different approach to mission schools that generally taught children in their native language.

Prior to the American expansion in the 1840s, Spanish-speaking people and Native Americans occupied the southwestern territories. The large Anglo population in California directly impacted their language policies because of the political power they now had. As early as 1855, the California Bureau of Public Instruction stated that only English was to be used in the schools. As nativism grew, attitudes toward Mexicans and Spanish-speaking schools changed. By 1870, a statute was enacted providing that all schools be taught in English.45

Many years later, in 1894, California’s constitution was amended to reflect its official characterization of the English language. The new constitution specifically stated the qualification of voters,

provided, no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who

shall not be able to read the Constitution in the English language, and write his or her name, shall ever exercise the privilege of an elector in this State.\textsuperscript{46}

In New Mexico, the Americanization process took longer than in the other southern states—sixty four years to be exact. Even though the 1848 Treaty of Guadalupe Hidalgo stated in Article IX:

\begin{quote}
“The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights of citizens of the United States.”\textsuperscript{47}
\end{quote}

As late as 1884, schools were using Spanish in elementary schools. As the Anglo Americans settled in the territory, use of English and Spanish were widely accepted. Gradually, Anglo Americans from the east who were unsympathetic toward Mexican culture came to dominate the territory.

It took until 1912 for New Mexico to become a state. New Mexico territory possessed no gold, an incomplete railroad system, limited farmlands, and schools that mostly used Spanish. Also, Catholicism prevailed, and a small number of Anglos had moved to the territory. Spanish was now the dominant language. Laws that were first written in Spanish were now translated into English. Race and religion played a big role in the statehood process. In addition, according to Leibowitz, land played a role in New

\textsuperscript{46} California 31\textsuperscript{st} Session of the Legislature. Assembly Constitutional Amendment No. 11, A Resolution to Propose to the People of the State of California an Amendment to Section One of Article Two of the Constitution, in Relation to the Right of suffrage, adopted March 16, 1895, 454. http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein.ssl/ssca0226&id=1&size=2&collection=ssl\&index=ssl\/ssca\#507 (accessed April 11, 2010).

Mexico with the Spanish just as it had with the Native Americans. Because of the many Anglo Americans that had moved to New Mexico, Anglos need for land increased. It became difficult for Mexican Americans to prove to the U.S. Government its ownership of the land. Consequently, many lost their land.

The U.S. House Report of 1892 acknowledged:

While our educational matters are not in as unsatisfactory condition as some would suggest, they are far from what we all desire. Yet in many respects they are encouraging, and every year is marked by improvement. In this same report to which I have referred there is a list of schools of the Territory, so far as I am able to obtain them, which shows that out of 342 schools 143 were taught in English exclusively, 92 in English and Spanish, and 106 in Spanish exclusively. Congress expressed concerns regarding New Mexico’s majority Spanish-speaking population. The New Mexico Constitution of 1911, Article 12, Sections 5, 8, and 10 made reference to compulsory attendance, the need for teachers to be bilingual in English and Spanish, and the rights of Spanish descendant children.

Section 5. Compulsory school attendance
Every child of school age and of sufficient physical and mental ability shall be required to attend a public or other school during such period and for such time as may be prescribed by law.

Section 8. Teachers to learn English and Spanish
The legislature shall provide for the training of teachers in the normal schools or otherwise so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish-speaking

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pupils and students in the public schools and educational institutions of the state, and shall provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students.

Section 10. Educational rights of children of Spanish descent
Children of Spanish descent in the state of New Mexico shall never be denied the right and privilege of admission and attendance in the public schools or other public educational institutions of the state, and they shall never be classed in separate schools, but shall forever enjoy perfect equality with other children in all public schools and educational institutions of the state, and the legislature shall provide penalties for the violation of this section. This section shall never be amended except upon a vote of the people of this state, in an election at which at least three-fourths of the electors voting in the whole state and at least two-thirds of those voting in each county in the State shall vote for such amendment.50

Schools facilitated the rebuilding of the nation by playing the role as agent for social change and integration. During the 1880s, as immigration increased, so did fears that the new immigrants would change the American way of life as they brought with them new values, traditions, and beliefs. The new immigrants (mostly European Catholics on the East Coast and Asian immigrants on the West Coast) were changing the face of America. These fears were made public with the advent of the Chinese Exclusion Act of 1882 that put a halt to immigration from China. At that time, Chinese children were not allowed to attend public schools in California—a fate that also applied to Japanese children. In 1885, in the California case of Tape v. Hurley, 66 Cal. 473 (1885), the Supreme Court ruled:

Every school, unless otherwise provided by law, must be open for the admission of all children between six and twenty-one years of age residing in the district; and the board of trustees, or city board of education, have power to admit adults and children not residing in the district, whenever

50 Annotated Constitution and Enabling Act of the State of New Mexico, compiler and Publisher Arthur G. Whittier (Santa Fe, NM, 1911), 73-74.
good reasons exist therefore. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases.

This rule is never controverter or doubted although perhaps sometimes lost sight of. In this case, if effect be given to the intention of the legislature, as indicated by the clear and unambiguous language used by them, respondent here, has the same right to enter a public school that any other child has.51

This wave of immigrants had to confront the nativism of the late nineteenth century that embraced issues of race, language, and religion as inferiority traits of southern and eastern Europe. As industries emerged in America, an increased need for skilled and unskilled workers existed, which created more demand for immigrants. Concerted efforts were organized to Americanize the new immigrants and educate their children in public not parochial schools.

“Children educated in the parochial schools get a definite religious instruction, but they failed to get the instruction essential to the American principles of civil and religious liberty. These schools tend to perpetuate foreign ideas and race clannishness. They are the reverse of democratic. One thing the Christian women can do is to keep jealous watch of Roman Catholic attempts to secure appropriations of public moneys for the support of these sectarian schools.

We cannot prevent the maintenance of private or church schools, but we can prevent the diversion of public funds for their support.”52

From 1860-1890, immigrants were mostly from northern Europe, the British Isles, and Germany. These immigrants formed large communities that actively promoted their


languages, religions, and cultures while at the same time, fully participating in their local
government. As stated by Crawford, when the Americanization movement started to
question the use of languages other than English in schools, the Germans that were in the
U.S. defended their language rights. Colonel Conrad Krez, a decorated Milwaukee Civil
War Veteran said, “There is no reason we should hate English, nor is there any reason
why a true American should not look upon German with tender regard.”

**Time Period of 1890 to 1950**

During this time period, there was a concerted effort to exclude new immigrants
based on their race. Some groups were considered easier to assimilate than other groups
because of their literacy skills and knowledge of the English language. In 1891, Henry
Cabot Lodge introduced a bill in Congress that required all newcomers to take a literacy
test as a condition for admission into the U.S. Although the bill was vetoed, it did
eventually pass in 1917. Many *old* immigrants blamed the socioeconomic problems of
the newly industrialized society on the *new* immigrants. The Immigration Restriction
League was formed in 1894 by three Harvard graduates; the goal of the league was to
limit immigration that was based on literacy. Many members of the old immigrants tried

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53 Ibid., 25.

54 *An Act: To regulate the immigration of aliens to, and the residence of aliens in, the United
States.* Public Law 64-301, Chapter 29, 64 Cong. 2nd Session (February 5, 1917), 874-898.
to influence Congress through lobbyists. They also published books and articles to inform the public about the dangers of new immigrants.55

In his book, *Immigration and its Effects Upon the United States*, Prescott F. Hall said:

It will be noted that the illiteracy of southern and eastern Europe is nearly ten times than of northern and western Europe, and that the Syrians are more than one half illiterate.

From manifests examined by the write at New York in 1902 the illiteracy of Hebrews was 44.9 per cent, and of Syrians 76.8 per cent.56

Howard B. Grose also tried to explain why Americans should be concerned with the new kind of immigrants when he said:

There is unquestionably some ground for the feeling that the new immigration is in many respects less desirable than the older type. These peoples come out of conditions of oppression and depression, illiteracy and poverty. Far more important than this, they have no contact with Anglo Saxon ideas or government. They are consequently almost wholly ignorant of American ideals and standards. There is a vast difference between the common ideas of these immigrants and those from the more enlightened and progressive northern nations.57

From 1890-1914, many non-English speaking immigrants came from southern and eastern European countries with no money and limited English skills. The concerns

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about these immigrants were expressed by Howard Grose in his book, *The Incoming Millions*.

Because of poverty the immigrants generally draw together in the most crowded, the poorest, the most criminal, the most politically corrupt and vicious sections of our cities. Our “slums” are largely peopled by foreigners. A few years ago the foreign element in the Chicago slums was 90 per cent.; in Philadelphia, 91 per cent.; in New York, 95 per cent. “Already these great foreign cities in our slums have become wildernesses of neglect, almost unexplored and almost unknown to us.” And these “cities” within the city are growing at an astonishing rate. Seven out of every ten of our present immigrants settle in our great cities or in certain communities of the four industrial States, Massachusetts, New York, Pennsylvania, and Illinois. During the past year not less than half a million new arrivals were added to our tenement population. How are these aliens being Americanized?58

Increased fear about the importation of foreign ideologies led native-born Americans to insist that these immigrants assimilate into one cultural and linguistic mold.59 According to Leibowitz, this restrictionist sentiment grew and as a result, immigration laws changed. Increasingly, English language requirements were a condition for participation in public life, voting, holding office, entrance examinations to various professions, and access to general mainstream America. The focus was on education with the English language as the unifying element. In 1906, Congress passed the first federal language law of any kind—an English-speaking requirement for naturalization.60

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The California Constitution was amended in 1895 to restrict the right to vote to only those who could read and write English. It also required governmental official proceedings in all branches be conducted and published in no other than the English language.

Section 1. (...) provided, no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language, and write his or her name, shall ever exercise the privilege of an elector in this State.61

All laws of the State of California, and all official writings, and the executive, legislative, and judicial proceedings, shall be conducted, preserved, and published in no other than the English language.62

Americanization efforts at home and overseas were still underway. At the end of the Spanish-American War in 1898, the Treaty of Paris ceded the territories of the Philippines, Guam, and Puerto Rico to the United States. On April 12, 1900, the Congress Act changed the military government of Puerto Rico into a civil government


61 California, 31st Session of the Legislature, Assembly Constitutional Amendment No. 11, A Resolution to Propose the People of the State of California an Amendment to Section One of Article Two of the Constitution, in Relation to the Right of Suffrage (Adopted March 16, 1895).

62 Constitution of the State of California (1895), Section 24.
and recognized its inhabitants as U.S. Citizens. It also specified the need to conduct all proceedings in court in the English language.  

Efforts to assimilate people of these territories included the imposition of English as the language of instruction. In Puerto Rico, the public education system was just starting and the majority of its population was illiterate. Furthermore, there was no separation between the church and the state. Early assimilation efforts collided with Catholic values and the lack of English language skills by the natives. In 1899, public schools were established and under the direction of Victor Clark, superintendent of public instruction, English and Spanish were used for instruction.

It is the policy of the department to organize good American schools, giving instruction in English, and this is being done as fast as funds permit in order that native schools may be remodeled upon an American basis, by following the methods of American instructors.

Since the views of the Americanization efforts of the mainland now extended to the new territories, the Puerto Rico people were seen as having limitations due to their lack of English skills. The citizens of Puerto Rico had serious concerns about the possibility of statehood and voting rights. The Carroll Commission from the U.S. Congress was given the task of establishing compulsory and free education. During the

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first few years of this free and compulsory education, Spanish was used in the early
grades, and later, English only in the high schools.

The first language policy in 1902 demanded the use of English in all
governmental departments, courts, and public offices. Conflicting language policies were
a common denominator on the island of Puerto Rico. The U.S. Government tried to
impose English as the language of instruction in the public schools. For this purpose,
North American teachers were hired and brought to the island to teach while local Puerto
Rico teachers were asked to learn English. According to a report by the Commissioner of
Education for Porto Rico [intentional spelling], in April 1903,

There were 99 teachers of English, all of the last mentioned being
Americans appointed by the Department directly and serving as visiting
teachers of English in the graded schools. Thus, a teacher of English will
have from three to six grades, teaching one period each day in each grade,
while the Porto Rican teacher in charge of the grade remains in the
classroom during such period and profits by the instruction in English and
also by the methods of the teacher of English.65

Not many North American teachers relocated to Puerto Rico. Those who did
quickly complained about the slow results of their efforts. They recognized that unless
English was the required language of instruction for all classes, the process of turning this
population into English speakers would be slow and arduous.66 With the Jones-Shafroth

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65 Department of Education of Puerto Rico, Report of the Commissioner of Education for Puerto
Rico to the Secretary of Interior of the United States 1903 (Washington, DC: Government Printing Office,
10-11).

66 Leibowitz, 1971, 84.

Since the establishment of a civil government, language laws have been reinforced with inconsistency. The people of Puerto Rico have maintained Spanish as the vernacular language and as a sign of nationalism and pride. Language took a political connotation that identified with Americanization. The report of the Commissioner of Education stated:

The improvement in the primary grades as a result of a better coordinated system of teaching such subjects as Spanish, English, writing, and arithmetic in closer harmony with the needs and the life experience of Porto Rican children has everywhere been remarkable. Much of this improvement is the result of the use of specially prepared textbooks in which the standpoint of the Porto Rican child, his experience, and his needs are given due consideration.\footnote{U.S. Bureau of Education, Report of the Commissioner of Education for the year ended June 30, 1918 (Washington, DC: Government Printing Office), 62.}

At the same time the U.S. was expanding its control over other territories, domestically, the turn of the century signaled tighter immigration laws. Emerging social sciences supported the idea of inferior races. In his book, The Passing of the Great Race (1916), Madison Grant, a leading eugenicist, considered southern and eastern Europeans of a lower race.

These new immigrants were no longer exclusively members of the Nordic race as were the earlier ones who came of their own impulse to improve
their social conditions. The transportation lines advertised America as a land flowing with milk and honey and the European governments took the opportunity to unload upon careless, wealthy and hospitable America the sweepings of their jails and asylums. The result was that the new immigration, while it still included many strong elements from the north of Europe, contained large and increasing number of the weak, the broken and the mentally crippled of all races drawn from the lowest stratum of the Mediterranean basin and the Balkans, together with hordes of the wretched, submerged populations of the Polish Ghettos.\textsuperscript{70}

The new immigrants were thought of as too unfit to assimilate. They created a high level of fear due to their lack of skills, lack of English, illiteracy, and different religions. Immigration restriction laws were passed to stop mass immigration.

The increased concerns about the new immigrants and their negative influence in American society led to the creation of the United States Immigration Commission (also known as the Dillingham Commission) in 1907.\textsuperscript{71} In 1911, the Commission’s recommendations were used as the rationale for the immigration restriction laws to stop mass immigration from undesirable countries. The Commission reached out to different organizations, such as the Sons of the American Revolution, who wrote:

\begin{quote}
In 1907, when the immigration to this country reached the unparallel number of one million and a half, the Sons of the American Revolution felt that the time had come for them to take some action toward aiding the assimilation of this vast and motley horde. This question was taken up and discussed at the National Congress held in Denver in 1907, with the result that a committee on information for aliens was created.\textsuperscript{72}
\end{quote}

\textsuperscript{70} Madison Grant, \textit{The Passing of the Great Race or The Racial Basis of European History}, Fourth revised edition (New York: Charles Scribner’s Sons, 1921), 89.


\textsuperscript{72} Statements and recommendations submitted by societies and organizations interested in the subject of immigration (Washington, DC: GPO, 1911), 7.
The Immigration Restriction League wrote:

The League believes that the present laws are inadequate and that further selection of immigration is necessary and desirable from, (a) the social and moral standpoint, (b) the economic standpoint, and (c) the eugenic standpoint. (p. 103)\(^73\)

The U.S. goals (of its public schools and its territories) were to assimilate immigrant children linguistically and teach the democratic values of American society.

“In 1898, the U.S. government banned the use of Spanish in newly acquired Puerto Rico, despite the fact that the entire population was Spanish-speaking.”\(^74\)

By the turn of the century, the situation had changed and schools were required to instruct in English. For instance, on April 13, 1918, Texas legislation (H.B. No. 128) approved a law requiring that English be taught in public schools and a fine administered to those employees such as teachers, principals, and superintendents that did not comply:

Section 1. Every teacher, principal and superintendent employed in the public free schools of this state shall use the English language exclusively in the conduct of the work of the schools, and all recitations and exercises of the school shall be conducted in the English language, and the trustees shall not prescribe any texts for elementary grades not printed in the English language; provided that this provision shall not prevent the teaching of Latin, Greek, French, German, Spanish, Bohemian, or other

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\(^{73}\) Ibid., 121.

language as a branch of study in the high school grades as outlined in the state course of study.75

The Americanization of the Spanish-speaking population in Texas caused a spiral effect in attempting to assimilate the English language. For starters, speaking good English became synonymous with being a good American.

According to the Americanization Bulletin, there were over thirteen million new immigrants that arrived to the U.S. from 1900-1914—the majority from southern and eastern Europe, and western Asia. The bulletin explained how these immigrants lack of the English language and knowledge of American ideals posed a problem to the country. The Division of Immigrant Education from the Bureau of Education initiated efforts to teach adult foreigners to read and write in English and learn other American customs, traditions, and ideals.”76 As previously mentioned, this process was often referred to as “Americanization.”

The U.S. Bureau of Education became active in this effort by sponsoring conferences, publishing an Americanization Bulletin, and providing other literature all financed by private benefactors. The goal was explicitly stated: to replace immigrant languages and cultures with those of the United States. As explained by the superintendent of New York City schools in 1918, Americanization would cultivate “an appreciation of the institutions of this country and absolute forgetfulness of all obligations or connections with other countries because of descent or birth”77

77 Crawford, 1999, 27.
Frank Thompson, superintendent of the Boston public schools from 1918-1921, considered schools as an instrument for Americanization. He recognized the need to teach foreign-born children English, but not in a compulsory way since that was not what a democratic nation did.

To many, the guaranties of respecting freedom of religious worship have been involved in the educational question. Many native-born Americans fail to understand the close connection in the alien’s mind between language and religion. (...) With the foreign-born, however, the connection is even more intimate because of previous repression that threatened this association.78

Thompson thought it important to respect the traditions and religious rights of the immigrants while at the same time teaching them about American values, language, and patriotism in a persuasive fashion.

During World War I, many states passed laws requiring Americanization classes that consisted of English, American history, politics, and culture. Most often, these efforts went unfunded. When the U.S. joined the war, many states prohibited using German language in schools. For instance, Governor James Cox of Ohio passed a law banning the use of German language in public and private elementary schools below eighth grade and imposed a penalty for anyone violating this law.79 On November 6, 1917, Carl Gustav Schulz, Minnesota’s state superintendent of education, submitted data to the Minnesota Commission of Public Safety about the use of German language and

textbooks in public schools. As a patriotic duty, the Commission recommended to use only English in the classroom. Nevertheless, these strict measures were not followed. In Nebraska, teaching foreign languages to grade school children was prohibited. However, in 1923, German Lutherans filed a suit in the case of *Meyer v. Nebraska*. Meyer was accused of teaching a Bible story in German to a student that had not completed the eighth grade while at a private Lutheran school. The Nebraska Supreme Court declared the Nebraska law unconstitutional because it violated the Due Process Clause of the Fourteenth Amendment of the Constitution. The court recognized a citizen’s right to choose within the liberty of the amendment. Similar cases occurred in Iowa (*Bartels v. Iowa*, 1923) and two in Ohio (*Pohl v. State of Ohio; Bohning v. State of Ohio*, 1919).

Until the early part of the twentieth century, use of languages other than English in schools was accepted. After World War I, public attitudes toward teaching in a foreign language changed. A correlation was established between English proficiency and political loyalty. After his time in office, President Theodore Roosevelt, stated:

We have room for but one language in this country and that is the English language for we intend to see that the crucible turns our people out as Americans, or American nationality, and not as dwellers in a polyglot boarding house; and we have room for but one soul loyalty, and that is loyalty to the American people.

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81 *Bartels v Iowa* 262 US 404, 43 S. Ct. 628, 67 L. Ed. 1047—Supreme Court, 1923.


Anti-immigrant feelings resulted in many states passing laws that made English the only language used for school instruction. According to Hakuta, linguistic repression was the characteristic of the period between the two world wars (1920-1939).

The period between World War I and World War II was characterized by intense nativism. The English language dominated public and private schools. Learning in another language seemed unpatriotic. The *Immigration Act of 1924* halted the entrance of non-English speakers to the country. It was a U.S. federal law that limited the number of immigrants admitted from any country to two percent of the number of people from that country who were already living in the U.S. The law established quotas for immigrants, denying access to Asians who had been discriminated against since the *Chinese Exclusion Act* was approved in 1882. During this period, English as a Second Language teaching methodologies appeared. The main goal of this approach to teaching English was to educate diplomats and Foreign Service personnel. As Crawford noted, this approach worked better than the sink or swim status quo of the time, but it focused on teaching English instead of content areas and as a result, students’ performances in those content areas suffered.

The Japanese immigrants and even Japanese Americans were victims of economic, political, and cultural repression during World War II. On the West Coast, the Japanese were sent to internment camps and their businesses and private schools were closed down. In 1942, the Committee Investigating National Defense Migration, also

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84 *An Act: To limit the immigration of aliens into the United States, and for other purposes*, Public Law 68–139, 68th Cong. 1st sess. 43 Stat. 153 (May 26, 1924).
known as the Tolan Committee, examined the logistics of the new wartime economy. During the hearings, it was noted that Japanese American students attended Japanese schools after attending public schools. This was an indication of their loyalty to Japan and its emperor, and the students’ indoctrination.\textsuperscript{85}

After returning from World War II, and having experienced positive treatment by foreign countries, African American troops were expecting change at home—possibly a society willing to accept diversity. They joined the battle to obtain constitutional rights to equality—including equality in education. The minorities put an emphasis on the school system as an agent of change. It was clear that Americans monolingual skills limited their competition in the international arena. However, the national asset that U.S. language minority students represented were not considered. U.S. men and women who had gone to war came home with new expectations. The fact that they had fought against discrimination in the war abroad, only to come home and get discriminated against, was a controversial issue. Despite this, many economic opportunities rose for minorities in 1944 when then-President Franklin Roosevelt issued Executive Order 8802 that banned employment discrimination based on race, creed, color, or national origin.\textsuperscript{86} World War II had created a black middle class that later advanced the Civil Rights Movement.

\textsuperscript{85} Leibowitz, 1971, 40-41.

The ideas of social justice and equity spread to other minorities across the U.S. In 1946, a group of Mexican fathers filed a suit against the California Orange County school districts. The federal court ruled that the segregation of Mexican children (based on national origin) was unconstitutional. The school districts appealed and the Federal District Court of Appeals found that segregation of schools was a violation to the Fourteenth Amendment of the Constitution. This case established a precedent that later addressed issues not only of racial segregation, but also of equal access to education.

For instance, California Governor Earl Warren, stopped segregation in all California public schools in 1947. In 1953, he was named Chief Justice of the United States Supreme Court and supported the case of Brown v. Board of Education of Topeka. Even though Warren supported school desegregation, he was in favor of the discrimination suffered by the Japanese population and their ancestors in internment camps during World War II. At the time of his testimony during the Hearings of the Select Committee Investigating National Defense Migration (Tolan Committee, February 21, 1942), Warren was the California Attorney General and testified:

> It will interest you to know that some of our airplane factories in this State are entirely surrounded by Japanese land ownership or occupancy. It is a situation that is fraught with the greatest danger and under no circumstances should it ever be permitted to exist.

I have some maps here that will show the specific instances of that character. In order to advise the committee more accurately on this subject

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I have asked the various district attorneys throughout the State to submit maps to me showing every Japanese ownership and occupancy in the State. Those maps tell a story, a story that is not very heartening to everyone who has the responsibility of protecting life and property either in time of peace or in war.\(^89\)

Warren continued:

There is one thing that concerns us at the present time. As I said, we are very happy over the President orders yesterday. (He is referring to Executive Order 9066, which declared some areas in the U.S. as military areas, therefore excluding all persons) We believe that is the thing that should be done, but that is only half of the problem as we see it. It is one thing to take these people out of the area and it is another thing to do something with them after they got out.\(^90\)

It seems to me that the next thing the Government has to do is to find a way of handling these aliens who are removed from any vital zone.\(^91\)

**Time Period of 1950 to 1965**

The postwar years were marked by economic recovery in the U.S. After World War II, the Federal Government increased its role in education. Congress’ approval of the *Servicemen’s Readjustment Act of 1944*, also known as the GI Bill of Rights, was a major investment that gave American government unforeseen returns.\(^92\) Most war veterans

\(^89\) National Defense Migration, Hearing Before the Select Committee Investigating National Defense Migration, House of Representatives, 77\(^{th}\) Congress, 2\(^{nd}\) Session, Pursuant to H. Res. 113. A resolution to inquire further into the interstate migration of citizens, emphasizing the present and potential consequences of the migration cause by the National Defense Program, Part 29 San Francisco Hearings, February 21 and 23, 1942, 11011, 11014, and 11016. http://www.archive.org/stream/nationaldefensem29unit#page/n3/mode/2up (accessed on May 1, 2010).

\(^90\) Ibid., 11014.

\(^91\) Ibid., 11016.

\(^92\) An Act: To provide Federal Government aid for the readjustment in civilian life of returning World War II veterans, Public Law 78-346, 78\(^{th}\) Cong. 2\(^{nd}\) sess, 58 Stat. 284 (June 22, 1944).
qualified for assistance and took advantage of the opportunities it provided such as hospitalization help; purchases of homes, farms, and businesses; and most importantly, provisions of educational costs. The financial assistance triggered the creation of suburbia, expansion of the automobile industry, and a population explosion. The postwar American society also demanded school reform. “The postwar phenomenon of rising expectations and demand for educational improvement came from two broad sources: the Caucasian middle classes and the champions of the civil rights movement.”

Schools became a vehicle for social mobility for the Caucasian middle class and minorities as the democratization of schools were fought in courts via the Civil Rights Movement. The landmark case of *Brown v. Board of Education of Topeka of 1954* opened opportunities for language minority students that did not have protection to equal access in education. It was not until later, with the *Civil Rights Act of 1964*, that federal funds were allocated for school districts that complied with desegregation.

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93 William J. Reese, America’s Public Schools: From the Common School to No Child Left Behind (Baltimore, MD: The Johns Hopkins University Press, 2005), 271.


95 An Act: To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes. Public Law 88-352, 88th Cong. 2nd sess. 78 Stat. 241 (July 2, 1964).
During this turbulent time, while school segregation was taking center stage, America received devastating news: that its educational system was in danger of falling behind other countries—notably the Soviet Union. The quality of American education was poor; knowledge in the sciences, math, and foreign languages were sorely lacking and completely inadequate. The launch of the unmanned satellite Sputnik by the Soviet Union created fear in the U.S. as it became clear that its educational system was not competitive with the advances made by this communist country. As a result, in 1958, Congress passed the *National Defense Education Act* (Public Law 85-864), which provided financial assistance to schools to raise education levels in the areas of math, science, and foreign languages.96

According to the U.S. Department of Education, the main goal of this legislation was to ensure that trained individuals be available to help America compete with the Soviet Union in the scientific and technical fields. The act provided loans and financial assistance to college students. In addition, “it provided considerable funds for subsidies to public schools (Section 303a5 of the Act) and loans to recognized private schools (Section 305a of the Act) for the promotion of the teaching of foreign languages (and other subjects) in elementary and high schools.”97

96 *An Act: To strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes. Public Law 85-864, 85th Cong. 2nd sess. 72 Stat. 1580 (September 2, 1958).* http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein.statute/sal072&id=1&size=2&collection=ssl&index=statute/sal#1622 (accessed April 26, 2010).

The acceptance of foreign language teaching at the elementary school levels became a national priority. On the other hand, the Civil Rights Movement was able to get the recognition of equity-oriented laws that benefited language minority students in the near future. The political climate of the time entertained the possibility of bilingual education in certain school systems.

The rebirth of bilingual education came as a result of the Miami Cuban refugees after the 1959 revolution led by Fidel Castro. These Cubans were highly educated professionals who wanted their children to preserve their native language and culture, as they thought a return to their homeland would eventually occur. This group had specific needs and desires, one of which was satisfied by the Dade County Public Schools, who provided ESL instruction.

The schools in Dade County, Florida were not prepared for the influx of Spanish-speaking students. In 1961, Miami, Florida’s Coral Way Elementary School initiated an experiment to develop bilingualism for both groups of students (both Spanish and English speakers).

To accommodate this new student population, bilingual programs were set up with federal assistance to the Dade County School Board from Public Law (87-510). These provided funds were not enough to supply necessary materials for the schools so local educators approached private enterprises and in 1963, the Ford Foundation

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approved a three-year grant to the Dade County School Board. In January 1963, this bilingual project received a Ford Foundation grant for $278,000.00, which allowed the project to last over a decade, and considered a success by all measures.

With the help of this funding, the schools launched an experiment that provided bilingualism for Anglo students and Spanish-speaking children. This approach saw bilingualism as enrichment; it was not perceived as a deficiency from the outset. Kenji Hakuta (1986) stated:

The goal was ambitious: to include children from both Cuban and English-speaking homes and make them into functional bilinguals. The Cuban children would achieve as much in Spanish as they would in a monolingual Spanish program, and they attain equal proficiency in English. The English-speaking children would not suffer in their acquisition of English skills, and at the same time, they would attain appropriate levels in Spanish. The program, in short, was oriented toward enrichment of the child’s linguistic and cultural experiences; it was not compensatory.

The bilingual program received full support from parents and the community. The program employed trained teachers that taught in their native languages. The curricular component included team-teaching, training in English as a second language, collaboration in lesson planning, and curriculum development. Some educational leaders that participated in the design of the two-way bilingual immersion were Ralph Robinett

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99 William F. Mackey and Von N. Beebe, *Bilingual Schooling and the Miami Experience*. Institute of Interamerican Studies, Graduate School of International Studies, University of Miami (Coral Gables, FL, 1990), 140, 141.


and Pauline Rojas, both of whom had English as a second language experience in Puerto Rico. They were later joined by Cuban educators, Rosa Inclan and Hermina Cantero, who both had worked in Cuba in English as second language settings at the elementary, high school, and university levels. Coral Way Elementary school principal, Joseph Logan, played a key role in supporting the program and in establishing partnerships with parents, while encouraging them to believe in the program. He emphasized the opportunities this experience represented for all children.103

Program evaluations, performed later at program’s end, confirmed the experiment’s success. This led to the expansion of the two-way program to other schools and other bilingual programs based on this Cuban experiment being implemented in Texas, Arizona, and California.104

According to Gonzalez, the success of the Cuban refugees program had its roots in their middle-and upper-middle class conditions and high literacy. Most of them came from European backgrounds so their light skins gave them an advantage over other Spanish-speaking groups. American political institutions, determining it was important to demonstrate to the world how the U.S. supported refugees from Communist countries, listened to the Cubans educational needs.105

Other language minorities did not have the same educational opportunities as the Cuban refugees. In a 1958 study conducted by the New York City Board of Education, it

103 Ibid., 196.
104 Ibid., 197.
was uncovered that the Puerto Rican experience in New York City was a far cry from the success of the Florida program. The study found that the high dropout rate of Puerto Rican students, coupled with their poor performances in schools, required different approaches that facilitated learning English as a second language and accelerated assimilation. A new approach to meet their needs was necessary.\textsuperscript{106} In 1965, a similar study was conducted in the southwestern states regarding Spanish surnamed pupils and their educational achievements.\textsuperscript{107} For Mexican American students fourteen years of age or over, the 1960 census revealed that the average student completed 4.7 years in school as compared to Anglo students that completed 12.1.\textsuperscript{108} Even more alarming was the fact that Puerto Rican and Mexican American students were dropping out of high school at distressing rates. For Puerto Rican students, the dropout rate was 60 percent. In 1963, approximately 1 percent of the Puerto Rican students graduated from high school. Out of these 331 students, only 28 went to college. There was a disproportionate representation of Puerto Rican students in special education classes at that time based on their English IQ tests.\textsuperscript{109}


\textsuperscript{109} Crawford, 1999, 35.
The Civil Rights Movement continued its advances in American society during the 1960s. With the election of President John F. Kennedy, there was a more active intervention from the government in education. The political climate was supportive of improving education, in reducing poverty, and in attaining cultural pluralism. The 1963 assassination of Kennedy did not halt the progressions of the Civil Rights Movement. Taking over the presidency in Kennedy’s death, President Lyndon B. Johnson hoped that more Americans could benefit from a successful economy—possibly even create a “Great Society.” On November 27, 1963, addressing the United States Congress, Johnson said:

First, no memorial oration or eulogy could more eloquently honor President Kennedy's memory than the earliest possible passage of the Civil Rights Bill for which he fought so long. We have talked long enough in this country about equal rights. We have talked for one hundred years or more. It is time now to write the next chapter, and to write it in the books of law.¹¹⁰

During the 1960s, there were other experimental bilingual programs designed to meet the needs of particular communities in Arizona, Texas, and California. In Arizona, the Rough Rock School had a bilingual program supported by an all Navajo school board. In 1964, Texas had various initiatives throughout its state that experimented with different approaches. For instance, the Laredo United Consolidated School District’s bilingual program was similar to that of the Dade County Public Schools in that it used Spanish and English as the languages of instruction, and the population was half-English.

and half-Spanish speakers. In Laredo, the bilingual program started in the first grade and expanded to third grade.\textsuperscript{111} In San Antonio, with the support of the University of Texas at Austin, emphasis was put on Mexican American children, their cultural background, and their educational needs. In California, bilingual programs in Merced City schools taught in Spanish using a variety of materials that developed the students’ academic skills as well as their attitudes and self-image.

By now, the Civil Rights Movement was in full swing. As previously mentioned, African American soldiers returned from World War II expecting better treatment than they received. Minority groups simply wanted to be treated as part of mainstream America as demands were made for better education and economic opportunities. The \textit{Economic Opportunity Act of 1964}\textsuperscript{112} and the \textit{Elementary and Secondary Act of 1965}\textsuperscript{113} both recognized the importance of education for minority groups by promoting equal education opportunities for groups than have been neglected.

With the government’s intervention with the development of these two acts, the bilingual programs’ focuses were changed from an enrichment model that pursued fluency in both languages to a remedial model that saw the native language as a


\textsuperscript{112} \textit{An Act: To mobilize the human and financial resources of the Nation to combat poverty in the United States}, Public Law 88–452, 88\textsuperscript{th} Cong. 2\textsuperscript{nd} sess. 78 Stat. 508 (August 20, 1964).

\textsuperscript{113} \textit{An Act: To strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools}, Public Law 89–10, 89\textsuperscript{th} Cong. 1\textsuperscript{st} sess. 79 Stat. 27 (April 11, 1965).
disadvantage that broadened achievement gaps. According to Crawford (1999), “From its outset, federal aid to bilingual education was regarded as a poverty program rather than an innovative approach to language instruction.”^{114}

The Civil Rights Act of 1964, Public Law 88-352, prohibits discrimination, regardless of race, color, or ethnicity. Title VI of the act clearly states:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.^115

The Civil Rights Act paved the way to future education legislation that provided language minority children the opportunity to receive an education beyond equality to pursue equity. This study will examine the Bilingual Education Act of 1968, the Bilingual Education Act of 1974, and the No Child Left Behind Act of 2001. For each legislative act, this study analyzed the context (economic, educational, social, political) of each period, discussed various leaders that advocated for student speakers of other languages, presented their arguments for inclusion and the actions they took, and examined the educational services that were developed to meet the needs of this student population.

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^{114} Crawford, 1999, 37.

CHAPTER III
BILINGUAL EDUCATION ACT OF 1968

Economic Conditions of the 1960s

President John F. Kennedy’s State of the Union Address to Congress on January 30, 1961 recognized the economic difficulties the nation faced while at the same time, committed his administration to stimulating the economy:

The present state of the economy is disturbing. We take office in the wake of seven months of recession, three and a half years of slack, seven years of diminished economic growth, and nine years of falling farm income.

In short, the American economy is in trouble. The most resourceful industrialized economy on earth ranks among the last in economic growth. Since last spring, it has actually receded. Business investment is in a decline. Profits have fallen below predicted levels. Construction is off. A million unsold automobiles are in inventory. Fewer people are working—and the average work week has shrunk well below 40 hours. Yet prices have continued to rise—so that now too many Americans have less to spend for items that cost them more to buy.¹

Kennedy recognized the need to accelerate the economy through proactive government spending, tax changes that encouraged investments, and new social programs. Kennedy’s untimely assassination in 1963 prevented him from carrying out his proposed reforms. Instead, Lyndon B. Johnson moved the country’s economy forward. In his 1963 speech to Congress, Johnson acknowledged the need to implement Kennedy’s

plans of improving the nation’s economy by caring for the elderly, offering education for all children, providing equal rights for all Americans, conquering the space program, and assisting underdeveloped nations.2

The 60’s in the U.S. was an era of economic progress that held many challenges. The 1964 Annual Report of the Council of Economic Advisors recognized the robust economic growth during the first three years of the decade. The gross national product (GNP) indicated a change of 529.9 billion in the first quarter of 1961 to 638.1 billion in the first quarter of 1963.3 As a result of federal, state, and local purchases; the construction housing boom; and business investments, the economy grew. These interventions increased the consumption of goods by twelve percent between 1961 and 1963.4 While the country’s economy was expanding, there were concerns regarding unemployment and poverty levels. For example, in 1963, of the 47.4 million families that lived in the United States, nineteen percent received an annual income of less than $3,000—meaning one out of every five families.5 For a family of four, this was considered the poverty level.

There were 47 million families in the United States in 1962. Fully 9.3 million, or one-fifth of these families—comprising more than 30 million persons—had total money incomes below $3,000. Over 11 million of

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These family members were children, one-sixth of our youth. More than 1.1 million families are now raising 4 or more children on such an income. Moreover, 5.4 million families, containing more than 17 million persons, had total incomes below $2,000. More than a million children were being raised in very large families (6 or more children) with incomes of less than $2,000.6

Even though the economy was growing, unemployment rates did not reflect a substantial decrease during the first years. In 1961, the unemployment rate was 6.7 percent; by 1962, it had declined to 5.6 percent and remained at an average of 5.7 percent in 1963. By 1964, unemployment was at five percent, which represented 3.7 million persons seeking employment.7 Attempts were made to confront the economic, poverty, and unemployment issues. For instance, banks were allowed to pay higher interest rates on time and savings deposits.8 Existing funds were then used in mortgages, state and government securities, and consumer credit.

Also, to confront the unemployment rate, tax cuts were provided. In Johnson’s 1964 State of the Union Address, he stated the need for a tax cut to help the economy.9 This tax cut10 was considered an important factor to the economy’s success since it could stimulate business investments into capital equipment by reducing the cash-upfront costs

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6 Ibid., 58.
7 Ibid., 37-39.
8 Ibid., 47-48.
on investment. Unfortunately, due to unexpected war spending, the positive trend of the economy started to decline in 1965.

This period of steady and noninflationary growth came to an end in 1965 when the U.S. involvement in Vietnam escalated. At the heart of the problem was increasing pressure on the economy caused by rapidly rising Government defense spending (which the Administration repeatedly underestimated), by continued high consumer demand, and by substantial capital expenditures for plant and equipment. The combination of all these forces pushing on the economy inevitably led to inflation.

By 1966, it seemed there was a balance of demand and supply in the labor market. But eventually, the demand surpassed the supply and there was a slowdown of the economy. Poverty rates continued to rise; rates jumped to 48.9 million families living in the United States (or 14 percent) in poverty. There were now 7 million families living on less than $3,000 a year. Regarding unemployment, rates dropped to 3.9 percent—the lowest since 1953.

According to government records, “almost every leading economist in the nation called for a general tax increase, but Johnson refused.” According to the 1968 Annual Report of the Council of Economic Adviser, personal savings increased by the end of 1966 and during 1967, which impacted expenses in consumer goods and services. Tighter

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credit had produced less consumer expenditures. Nevertheless, the unemployment rate remained at an average of 3.8 percent, just slightly one percentage point below 1966’s statistics.  

The Federal Reserve restrained the growth of credit supply in the face of extremely strong demands for borrowing by business. With intense competition for funds, interest rates rose sharply. Institutions which supply mortgage funds to the home building industry lost deposits both to the commercial banks and to the market for new corporate securities. As a result, residential construction was starved for funds, and the sharp decline in this sector was one of the principal moderating influences during the second half of 1966.

By Johnson’s January 10, 1967 State of the Union Address, Johnson indicated the need for a tax increase, as opposed to the tax cut he had indicated back in 1964:

I recommend to the Congress a surcharge of 6 percent on both corporate and individual income taxes—to last for 2 years or for so long as the unusual expenditures associated with our efforts in Vietnam continue. I will promptly recommend an earlier termination date if a reduction in these expenditures permits it.

But, by this time, Johnson’s proposed tax increase was too late to stop inflation—a delay that was due in part to Congress’ demands for a reduction in federal expenses.

The tax increase and the rise in money supply by the Federal Reserve Board neutralized inflation. A 10 percent surcharge was signed into law on June 28, 1968—a surcharge

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17 Ibid., 48.


that was necessary to maintain credit availability, price stability, and payment balancing.20

While waiting for the economy to turn around, many businesses retained the same level of employment even though there was a reduction in production. In the third quarter of 1968, consumer savings declined as consumer spending increased moderately. This was a sign that the economy was recovering. The increased consumption accelerated production and rising inventories. In addition, when lending regulations eased, home construction increased.21 By the end of 1968, the unemployment rate had dropped 3.3 percent—the lowest since 1950 and the amount of people living below the poverty level had declined, thereby increasing consumer confidence.

There are approximately 10.8 million households, or 17.4 percent of all households, which received money incomes of less than $3,000 in 1968. This number represents a significant decrease from 1967 when 11.9 million households, or 19.7 percent, were in this income category.22

As reported by Johnson:

Our economy had an exceptionally big year in 1968.

- Our gross national product increased by $71 billion to $861 billion. Adjusted for price increases, the gain was 5 percent.
- Payroll employment rose by more than two million persons.
- Unemployment fell by 160,000.
- The after-tax real income of the average person increased by 3 percent.

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20 *An Act: To increase revenues, to limit expenditures and new obligational authority, and for other purposes. Public Law 90–364. 90th Cong. 2nd sess. 82 Stat. 251 (June 28, 1968).*


- An estimated four million Americans escaped from poverty, the largest exodus ever recorded in a single year.
- Our balance-of-payments results were the best in 11 years.\(^{23}\)

The Democratic Party lost the U.S. presidential election in November 1968 when Republican Richard M. Nixon took office. By now, the economic growth of the nation was showing clear signs of inflation.

**Political Conditions of the 1960s**

In John F. Kennedy’s 1960’s acceptance speech as presidential candidate for the Democratic Party, he recognized that the old way of doing things in America could no longer prevail; that this was a new world requiring change—not only abroad, but also at home.

But I tell you the New Frontier is here, whether we seek it or not. Beyond that frontier are the uncharted areas of science and space, unsolved problems of peace and war, unconquered pocket of ignorance and prejudice, unanswered questions of poverty and surplus. It would be easier to shrink back from that frontier to look to the safe mediocrity of the past, to be lulled by good intentions and high rhetoric—and those who prefer that course should not cast their votes for me, regardless of party.\(^{24}\)

Even though Kennedy won the presidency over Richard Nixon with a 303 to 219 win of electoral votes, his Democratic Party did not have control of Congress. The Democrats had 263 seats in the House of Representatives and 65 seats in the Senate. As


of January 3, 1961, the Republican Party had 174 seats in the House and 35 seats in the Senate.25

With Kennedy’s election, he became the first Catholic president and the youngest in U.S. history. In his January 1963 inaugural address, Kennedy committed his administration to eliminating poverty, helping struggling nations, promoting democracy and economic cooperation, supporting the United Nations, and collaborating for inspection and arms control.26

Some of Kennedy’s promises transferred into specific programs; but the new Democratic Party leadership in Congress encountered strong opposition among conservative Democrats and Republicans. This halted Kennedy’s plans, thereby making it difficult for him to pass his legislative agenda through Congress.

The legislative progress of the New Frontier was thus largely in the hands of aging men, mostly born in another century, mostly representing rural areas in an urban nation (and, indeed, mostly coming from states where less than 40 per cent of persons of voting age had cast ballots in the 1960 election).27

According to Arthur Schlesinger, former special assistant to Kennedy, Congress was controlled by conservative men that were unwilling to change. Kennedy planted the seeds for change but believed that reform would not come until his second term in office—a term that never came to fruition due to his assassination in 1963.


Kennedy’s short time in office was characterized by extensive media coverage as he battled with complex international issues that included:

1. The Bay of Pigs invasion (which was an unsuccessful attempt by CIA-trained Cuban exiles to invade southern Cuba and overthrow the Cuban government of Fidel Castro).
2. The Cuban missile crisis—the closest the world ever came to nuclear war as Cuba prepared to use battlefield nuclear weapons to defend if invaded.
3. Germany’s closing of the barrier (referred to as the Berlin Wall) between east and west Berlin.
4. The spread of communism.
5. The *Vietnam War* conflict.

On the domestic front, the stimulation of the economy and the development of the Civil Rights Movement took center stage. Kennedy did not introduce comprehensive reforms for civil rights but continued a gradual approach to the causes of equality.

The *Civil Rights Act of 1957* had focused on the right to vote and created the U.S. Commission on Civil Rights. The *Civil Rights Act of 1960* instituted penalties for anyone who obstructed the voter’s registration process. By 1963, the commission recognized that enforcing voting rights had not eliminated discrimination or poverty. In

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response to this, the commission emphasized the nation’s responsibility to the civil rights of citizens.

As the Federal Government has learned, the civil rights problem cannot be solved piecemeal. The studies and reports of this Commission have provided much material to show that all facets of the civil rights problem are inextricably interrelated, and that none can be solved in isolation. 30

In 1963, the Civil Rights Movement demanded more from the nation than the federal and state courts commitment to justice. The job of the Commission on Civil Rights to fact-find and recommend was complete; now it was now necessary to engage in actions. The movement was in full force and Kennedy did not react in a timely manner to the needs of African Americans and other minorities.

In November 1963, after Kennedy’s assassination, Vice-President Lyndon B. Johnson took office as President of the United States. In his speech addressing a joint session of Congress on November 27, 1963, Johnson, referring to Kennedy, stated:

The dream of conquering the vastness of space—the dream of partnership across the Atlantic—and across the Pacific as well—the dream of a Peace Corps in less developed nations—the dream of education for all of our children—the dream of jobs for all who seek them and need them—the dream of care for our elderly—the dream of an all—out attack on mental illness—and above all, the dream of equal rights for all Americans, whatever their race or color—these and other American dreams have been vitalized by his drive and by his dedication.

And now the ideas and the ideals which he so nobly represented must and will be translated into effective action.31


In the same speech, Johnson urged Congress to pass a civil rights law that would eliminate barriers and provide equal rights, act on a tax bill that would stimulate the national economy, and address education bills.

In 1964, Johnson won the U.S. presidential election with the biggest margins for the Democratic Party since 1936. He won 44 states and carried 486 electoral votes. The Republicans won six states and carried 52 electoral votes. As a result, Democrats had control of Congress. The biggest challenge now was for the Democratic Party to validate the diverse interests of its constituency.32

Johnson decided to continue former President Kennedy’s initiative by developing a program to reduce the country’s poverty levels. In his book, *The Vantage Point*, Johnson declared this was a call for action against one of the most “severe illness of a society.”33 He was willing to make budget cuts to get Congress’ approval for the *War on Poverty* (the name given for legislation first introduced by Johnson during his 1964 State of the Union Address), and to use local organizations while still aware of the political risks involved.

During his State of the Union Address, Johnson stated:

Let this session of Congress be known as the session which did more for civil rights than the last hundred sessions combined; as the session which enacted the most far-reaching tax cut of our time; as the session which declared all-out war on human poverty and unemployment in these United States; as the session which finally recognized the health needs of all our older citizens; as the session which reformed our tangled transportation

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and transit policies; as the session which achieved the most effective, efficient foreign aid program ever; and as the session which helped to build more homes, more schools, more libraries, and more hospitals than any single session of Congress in the history of our Republic.³⁴

After breaking the filibuster, the *Civil Rights Act of 1964* was passed by the House of Representatives and Congress. Johnson was now able to arrange a bipartisan bill.

A major factor in holding supporters in line on key amendments was a carefully formulated campaign on the major legislative and lobby groups behind the bill—the Democratic Study Group, the Leadership Conference on Civil Rights, major Negro rights organizations, top industrial unions of the AFL-CIO, Protestant, Catholic and Jewish church groups, the White House, the Justice Department, and groupings of pro-civil rights Republicans. By contrast, the Southern Democrats appeared to enter the battle with minimal organization and little gusto for the fight.³⁵

On July 2, 1964, Johnson signed into law the *Civil Rights Law of 1964*.³⁶ This bill had the biggest impact to date toward the treatment of racial minorities in the U.S. It gave African Americans equal access to public spaces, schools, and employment opportunities, as well as the right to vote. The bill also renewed the U.S. Commission on Civil Rights by giving the commission more authority, creating a civil rights national clearinghouse.

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³⁶ *An Act: To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.* Public Law 88–352, 88th Cong. 2nd sess. 78 Stat, 241 (Jul. 2, 1964). http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein.statute/sal078&id=1&size=2&collection=ssl&index=statute/sal#283 (accessed April 26, 2010).
information center, and giving the commission the power to investigate voting rights denials or frauds.37

According to a July 3, 1964 *The New York Times* article:

> The new law—the most sweeping civil rights legislation ever enacted in this country—goes beyond the proscribing of various forms of discrimination.

> It gives the Attorney General authority to initiate suits to end discrimination in jobs and public accommodations when he finds such discrimination is part of a practice or pattern. It also gives him new powers to speed school desegregation and enforce the Negro’s right to vote.38

Another approach to the War on Poverty was unveiled in Johnson’s speech at the University of Michigan in 1964. He spoke of his vision to create the Great Society that focused on eliminating poverty and racial injustices.39 At this point, issues addressed in the *Economic Opportunity Act of 1964* were a centerpiece of Johnson’s War on Poverty and plans for the Great Society. It included several social programs to promote the health, education, and general welfare of the poor. After intense pressure from grassroots organizations, Congress passed into law the *Economic Opportunity Act* on August 20, 1964.40

The *Civil Rights Act of 1964* prepared the foundation for two other legislations:

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1. The Civil Rights Act of 1965. This act addressed voting rights, specifically giving the Attorney General power to assign federal examiners to register voters in areas with patterns of visible discrimination, and impose penalties for those who interfered with voters’ rights.41

2. The Civil Rights Act of 1968 (also known as the Fair Housing Act). This act prohibits discrimination in the sale, rental, and financing of housing because of one’s race, religion, or national origin. It also prohibited riots or other civil disorders.42

Although the Civil Rights Movement encompassed a very well known, non-violent approach, African Americans grew impatient with the obvious discriminations that were happening as they waited for fair treatment, adequate housing, better schools, and jobs. This led to their frustrations, which eventually led to riots, looting, and civil unrest—which damaged cities throughout the nation from 1963-1968.43

It was, ironically, the week in which the Federal Government set in motion its most ambitious effort of the year to remedy grievances of Negroes—the implementation of the Voting Rights Act of 1965. In the South, Federal registrars were dramatically expanding the lists of registered Negroes. Then came an explosion of Negro discontent in the North, where the Negro has long had the vote. Suddenly the summer seemed even hotter than the long, hot one of 1964.

The violence broke out first in Los Angeles in rioting that far surpassed the Harlem and other disturbances of last year. The contagion leaped eastward in the other outbreaks in Chicago and Springfield, Mass.

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43 Congress and the Nation, Volume II, 345.
The disorders pointed up a fact that at times has been overshadowed during the lengthy debates over legislation to deal with Negro problems. The fact is that the new civil rights laws—and the related antipoverty program—have not yet greatly improved the lot of the Negroes in the teeming ghettos of the cities of the North.44

By 1966, there was a mood change regarding the Civil Rights Movement. This was indicated by the impending Caucasian backlash among liberal civil rights supporters. According to an October 2, 1966, *The New York Times* article, this change at the polls had many causes.

These include the increasing number of riots in urban areas, the emergence of ‘black power’ and decline of nonviolence in the Civil Rights Movement, spread of the Negro revolution from the South to the North and prospects of integrated housing in areas where whites have been stanchly opposed to it.

Accompanying the rise of white fears has been a disaffection among white liberals for the Negro cause of equality. These liberals themselves are subject to some of the same fears; they are confused and dismayed by the split in the Negro community, and they do not know where the civil rights movement should go from there.45

By September 1967, the nation had experienced 164 civil disorders. Johnson created the Civil Disorders Commission in July 1967, charging it with the task of investigating the causes of the riots and recommending possible solutions. The report, released by the commission on March 2, 1968, concluded that the riots were caused by racial tensions between Black and White Americans, and accumulated frustrations due to

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the lack of economic opportunities, inadequate housing, overcrowded schools, and police violence.46

While civil unrest occurred, the events in Vietnam escalated. The Vietnam War was not a war that President Johnson started, nor one that he could end. By the fall of 1966, the war had become a growing concern. Antiwar protests occurred across the nation that increasingly questioned the U.S. presence in Vietnam. How long will we be there? What are the reasons for the escalation of the war? What about the rights of the Vietnamese people to decide the type of government they want? Protesters demanded government use its power to fight hunger, illiteracy, and disease overseas.47

By January 1967, President Johnson still believed the country could afford to fight both these wars (the War on Poverty and the Vietnam War). In his annual budget message to Congress, he stated:

Because of the uncertainties inherent in this situation, the 1967 budget is designed to provide flexibility of response to changing conditions. In the new programs authorized by Congress in the last several years, we have an effective array of weapons to attack the major domestic problems confronting the American people—in the fields of health, education, poverty, housing, community development, and beautification. The 1967 budget provides funds to press forward vigorously with these new programs. But because of the costs of maintaining our commitment in Vietnam, those funds are, in many cases, less than the maximum authorized in the enabling legislation. Should our efforts to find peace in Vietnam prevail, we can rapidly adjust the budget to make even faster progress in the use of these new programs for the solution of our domestic problems.48


The antiwar movement increased as war spending and U.S. casualties escalated.

The Johnson Administration suffered strong criticisms. Professor Noam Chomsky, from the Massachusetts Institute of Technology, wrote about Vietnam in his article, “The Responsibility of Intellectuals”:

If it is the responsibility of the intellectual to insist upon the truth, it is also his duty to see events in their historical perspective. Thus one must applaud the insistence of the Secretary of State on the importance of historical analogies, the Munich analogy, for example. As Munich showed, a powerful and aggressive nation with a fanatic belief in its manifest destiny will regard each victory, each extension of its power and authority, as a prelude to the next step. The matter was very well put by Adlai Stevenson, when he spoke of ‘the old, old route whereby expansive powers push at more and more doors, believing they will open until, at the ultimate door, resistance is unavoidable and major war breaks out.’ Herein lies the danger of appeasement, as the Chinese tirelessly point out to the Soviet Union—which, they claim, is playing Chamberlain to our Hitler in Vietnam. Of course, the aggressiveness of liberal imperialism is not that of Nazi Germany, though the distinction may seem academic to a Vietnamese peasant who is being gassed or incinerated. We do not want to occupy Asia; we merely wish, to return to Mr. Wolf, ‘to help the Asian countries progress toward economic modernization, as relatively ‘open’ and stable societies, to which our access, as a country and as individual citizens, is free and comfortable.’ The formulation is appropriate. Recent history shows that it makes little difference to us what form of government a country has so long as it remains an ‘open society,’ in our peculiar sense of this term—that is, a society that remains open to American economic penetration or political control. If it is necessary to approach genocide in Vietnam to achieve this objective, than this is the price we must pay in defense of freedom and the rights of man.49

Pulitzer Prize-winning The New York Times columnist, James Reston, wrote:

The President’s answer to the cities (referring to the riots) is a committee and a tax hike. His answer to Vietnam is more bombing and higher draft calls, but the idea is getting around that these things are no answer either to the vast scope of either the Negro revolution or the war. The people are

looking for new concepts now, and if they don’t get them, they are likely to be looking for new leadership later on.\(^5\)

In Johnson’s March 1968 speech to the nation, he announced his intention of reducing the American offense in Vietnam. He also announced his decision not to seek reelection:

> With America's sons in the fields far away, with America's future under challenge right here at home, with our hopes and the world's hopes for peace in the balance every day, I do not believe that I should devote an hour or a day of my time to any personal partisan causes or to any duties other than the awesome duties of this office—the Presidency of your country. Accordingly, I shall not seek, and I will not accept, the nomination of my party for another term as your President.\(^5\)

By 1968, the political conditions had drastically changed. The Civil Rights War for equality was now debilitated by the Vietnam War. Also, the Civil Rights Movement leadership had weakened, making room for the violent approaches of Malcolm X (who chastised White America for its crimes against African Americans). The riots and civil disorders across the nation scared liberal whites. This only strengthened the Republican Party and the candidacy of former Governor, George Wallace (who resisted the Civil Rights Movement) and ran against Richard Nixon and Democratic candidate, Vice-President Hubert Humphrey as an Independent Party.

On November 5, 1968, former Vice-President, Richard Nixon was elected President of the United States. The Republican Party won the election but did not gain


control of Congress. The Democratic Party lost some of their traditional members such as new immigrants, African Americans, Mexican Americans, Jews, labor union members, and the Southern region of the U.S. that includes sixteen states.\textsuperscript{52}

**Social Conditions of the 1960s**

The 1960s presented new social level situations for the U.S. Established societal norms were challenged by the civil rights, youth, and peace movements; environmental issues; labor unions; and yet another group—the Feminist Movement.

Johnson recognized that by establishing laws that guaranteed equal opportunities, the social reality of African Americans would not instantly change.

\begin{quote}
You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please.
\end{quote}

\begin{quote}
You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, ‘you are free to compete with all the others,’ and still justly believe that you have been completely fair.
\end{quote}

\begin{quote}
Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.
\end{quote}

\begin{quote}
This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result.\textsuperscript{53}
\end{quote}

The violence that erupted in Los Angeles, California on August 11, 1965 (referred to as the *Watts Riots*) was a clear indication of the frustrations and impatience poor

\textsuperscript{52} Congress and the Nation, Vol. II, p. 22.

African Americans were experiencing—regardless of the recent legislative advances. By the end of these riots, 34 people had been killed and over 3,400 arrested. As noted in a 1965, *The New York Times* article:

In the view of all these gains, why the mounting Negro impatience, bitterness and anger; the slogan that yesterday was too late and the atmosphere that leads to such insane explosions of violence as that on the West Coast? One reason is that many of these gains are limited to a very small class. Another is that they are measured in absolute, not relative terms. The important difference is that the Negro is now measuring his advance, not by what he once was, but by what the white man now is; not by outgrown scarcity, but by surrounding abundance; not by old expectations, but by new possibilities.54

Middle class students across the nation participated in peaceful acts of rebellions.

Another Pulitzer Prize-winning *The New York Times* columnist, Nan Robertson, attributed the sit-ins in the South as the beginning of an era of protest in the 1960s.

“College students and teachers agree that the sit-ins electrified campuses, both North and South, not only stirring the conscience of the nation but also impelling its children to act.”55

Someday, when historians write about the nineteen-sixties, they may describe them as the years in which America rediscovered the poverty still in its midst and in which social protest, ranging from demonstrations to violent uprisings, reappeared on the American scene. But the historians may also note a curious fact, that the social protest of the sixties has very little to do with poverty. Most of the demonstrators and marchers who followed Martin Luther King were not poor; the college students who have been protesting and sitting-in on campus are the well-to-do, and even the participants in the ghetto uprising of the last few

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years—although hardly affluent—were not drawn from the poorest sectors of the ghetto.

The social protest of the nineteen-sixties has to do with inequality, with the pervasive inequities remaining in American life.56

On another front, the youth movement was experimenting with drugs and sexual freedom. In 1960 at Harvard University, Drs. Richard Alpert and Timothy Leady, both from the Laboratory of Human Development, conducted an experiment known as the Harvard Psilocybin Project using the stimulant drug LSD and students as human subjects.

Dr.’s Alpert and Leary described the changes produced in the mind by the ‘consciousness-expanding’ drug as similar to those produced in the mind by the printed word or by the power of suggestions. They said that there was ‘no factual evidence that ‘consciousness-expanding’ drugs are uniquely dangerous and considerable evidence that they are safe and beneficial.57

In 1963, both professors were dismissed from Harvard University after school officials declared that the drugs used by the doctors were dangerous and could cause serious mental illness to study participants.58 Finally, in 1966, Dr. Leary acknowledged the dangers of LSD.59

In 1968, college students protested governmental involvement in the Vietnam War, the draft, and the restrictions of their political activities. They also demanded more active roles in university policies by participating in demonstrations where the status quo


and social norms established by the dominant culture were challenged. This social movement brought with it the relaxation of social standards forgiving norms such as communal life before marriage—something that had never been done before.

Student culture is characterized by intense involvement, the ‘participation syndrome.’ Students in the Sixties prefer to live, learn and love through intense interpersonal involvement. When these values run up against the values of adult society, crises occur.\(^6^0\)

The changes that American society experienced went beyond the Civil Rights Movement, student drug use, and the sexual revolution. In 1963, Betty Friedan wrote, *The Feminine Mystique*, which became a best seller among middle class women. In the book, Friedan encouraged educated women to face the problems that limited their life.

Even the best psychoanalyst can only give her the courage to listen to her own inner voice. When society asks so little of women, every woman has to listen to her own inner voice to find her identity in this changing world. She must create, out of her own needs and abilities, a new life plan, fitting in the love and children and home that have defined femininity in the past with work toward a greater purpose that shapes the future.\(^6^1\)

Using the legal framework of *Title VII* of the *Civil Rights Act of 1964* (PL 88-352), which had prohibited employee discrimination on the basis of sex, Caucasian middle class women organized to claim their rights as women. Known as the Women’s or Feminist’s Movement, it transformed American 60s’ society.

The National Organization for Women (NOW) has adopted a Bill of Rights for women in 1968. It includes revision of tax laws to permit deduction of home and child care for working parent, federally sponsored


child care facilities for citizens of all income levels and ‘the right of every woman to control her own reproductive life.’ NOW wants abortion laws repealed as a matter of freedom for women rather than as a motive of population control adherents.62

At the same time that women were fighting for better treatment and economic opportunities, the U.S. economic expansions and massive productions created issues that affected air, water, land, and other natural resources of the nation. The rapid growth of pollution issues accelerated the grassroots movements of such organizations as the Sierra Club—which is the oldest and most influential grassroots environmental organization in the U.S. today. The Sierra Club advocates for clean air and water and the protection of wilderness areas, communities, and America’s natural resources. With this push, government enacted laws to control air pollution caused by automobile and waste disposal (PL 89-2720).63 This eventually led to the establishment of new standards for water quality (PL 89-234).64

Also, the 1960s brought changes to the housing policy. There were three major housing legislations during this period:


63 An Act: To amend the Clean Air Act to require standards for controlling the emission of pollutants from certain motor vehicles, to authorize a research and development program with respect to solid-waste disposal, and for other purposes. Public Law 89–272, 89 Cong. 1st sess. 79 Stat. 992 (October 2, 1965).

64 An Act: To amend the Federal Water Pollution Control Act to establish a Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of sewage treatment works, to require establishment of water quality criteria, and for other purposes. Public Law 89–234, 89 Cong. 1st sess. 79 Stat. 903 (October 2, 1965).
1. the Housing and Urban Development Act of 1965 (PL 89-117)\textsuperscript{65}

2. an Act that established a Department of Housing and Urban Development, among other purposes (PL 89-174)\textsuperscript{66}

3. the National Flood Insurance Act of 1968 (PL 90-448)\textsuperscript{67}

As part of the Great Society, these bills created programs that helped low-income families obtain adequate housing by providing rental supplements, facilitating efforts to rebuild cities, and encouraging home ownership among poor families.\textsuperscript{68} As a result, suburban areas grew as middle-class families looked for bigger spaces, cleaner air, and better schools.

In America the rich have been abandoning the central city to poor newcomers for generations, and the current flight to the suburbs, powerfully stimulated by Federal subsidies to housing and highways, merely continues an old trend. But the racial integration of schools does seem to produce short-run accelerations.\textsuperscript{69}

According to sociologist, Herbert Gans:

\textsuperscript{65} An Act: To assist in the provision of housing for low- and moderate-income families, to promote orderly urban development, to improve living environment in urban areas, and to extend and amend laws relating to housing, urban renewal, and community facilities. Public Law 89–117, 89 Cong. 1\textsuperscript{st} sess. 79 Stat. 451 (August 10, 1965).

\textsuperscript{66} An Act: To establish a Department of Housing and Urban Development, and for other purposes. Public Law 89–174, 89 Cong. 1\textsuperscript{st} sess. 79 Stat. 667 (Sep. 9, 1965).

\textsuperscript{67} An Act: To assist in the provision of housing for low and moderate income families, and to extend and amend laws relating to housing and urban development. Public Law 90–448, 90 Cong. 2\textsuperscript{nd} sess. 82 Stat. 476 (August 1, 1968).

\textsuperscript{68} Congress and the Nation, Vol. II, 1965-1968, 125.

\textsuperscript{69} John Finley Scott and Lois Heyman Scott, “They Are Not So Much Anti-Negro as Pro-Middle Class,” \textit{The New York Times}, March 24, 1968.
A much more valid criticism of suburbanization is its effect on class and racial segregation, for the fact that the suburbs have effectively zoned out the poor and the nonwhites is resulting in an ever-increasing class and racial polarization of city and suburb.\textsuperscript{70}

The Civil Rights Movement provided a platform for other minorities to claim rights for groups defined by language and culture.

An independent grape-picker’s union composed largely of Mexican-Americans—the National Farm Workers Association—joined the walkout and its articulate organizer and president, Cesar Chavez, placed the strikers’ case before student groups on the Stanford and Berkeley campuses. What started as a strike of several thousand farm laborer with no particular impact on the national economy burgeoned over the months into a cause célèbre among student, civil rights, and church groups in California.\textsuperscript{71}

John Kenneth Galbraith, a Harvard economist, saw the major corporations in the country hiring only the best-educated men—leaving the rest of the workers to take secondary roles. “This is why the poor ‘are increasingly turning to the public sector of the economy’ and why the Federal Government must provide them with a minimum income.”\textsuperscript{72} The strength on racial discrimination facilitated the government role as an agent for social change.

The Mexican American farm workers leader, Cesar Chavez, recognized their plight needed help from other organizations, and so reached out:

So, with perfect timing—this is the day of the civil-rights movement and the War on Poverty, after all—he immediately sought and


won the active outside support, from unions, minority and antipoverty organizations, students, political leaders, clergymen, and liberals and radicals generally.73

In New Mexico, under the leadership of Reies Lopez Tijerina, Spanish Americans focused on reclaiming land that had been taken from the original Spanish population in violation of the 1848 *Guadalupe Hidalgo Treaty*. Tijerina said:

> We Spanish-Americans put emphasis on our treaty because for us the treaty would settle the issue for many of us for jobs, food, discrimination, education, and the improvement of our rural areas. In the cities of the Southwest, we are discriminated against just like the black man, but like the black man we are learning to fight back.74

A community was formed with the objective to improve living conditions, education, and job opportunities for Mexican Americans with collective interests through language, culture, and history. The social atmosphere of the 1960s provided ideal conditions for other minorities to seek equality as well. The evolution of the Civil Rights Movement was emulated by other groups (non-violence protests and riots), thereby creating the possibility of change for people of color, in general.

**Educational Conditions of the 1960s**

By the 1960s, the conditions for educational change were ripe for leveling the playing field to provide better education for minorities. The 1954 U.S. Supreme Court case of *Brown v. Board of Education of Topeka* (347 U. S. 483) recognized the damage that segregation had on minority students’ self-image. NAACP lawyers relied on social


science research findings, such as the doll experiment, to substantiate their case. In the
doll test, African American psychologists Kenneth and Mamie Clark used four plastic,
diaper-clad dolls (identical except for color) to ask African American children between
the ages of three and seven, questions about the dolls to determine racial perception and
preference. When asked which they preferred, the majority selected the Caucasian doll
and attributed positive characteristics to it. The Clarks found that the effects of
segregation on African American children caused them to feel inferior. From the 1952
South Carolina case, *Briggs v. Elliott*, these findings helped defense lawyers argue that
segregation impacted school achievement and self-esteem. Regarding the Brown case, the
court stated:

Segregation of children in public schools solely on the basis of
race deprives children of the minority group of equal educational
opportunities, even though the physical facilities and other “tangible”
factors may be equal.75

These landmark cases created the possibility for language minority students to
have equal access to education.

Another event that affected U.S. education was the launching of Sputnik by the
Soviet Union in 1957. As part of the national assets of the country, the *National Defense
Education Act of 1958* (Public Law 85-864) emphasized the need to strengthen math and
science education, and to develop foreign languages. As a way of increasing the wealth of
the country, this act set the conditions for foreign language instruction in elementary

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n=usreports&set_as_cursor=8&men_tab=srchresults&terms=Brown|v.|Board|Education&type=matchall
(accessed August 29, 2010).
school. The awareness of the need to develop foreign languages skills in the nation produced a change of attitudes toward speakers of other languages. This change channeled the path that welcomed linguistic diversity and accommodated two cultures: the Spanish-speaking and English-speaking (American) cultures. This was the case in the Cuban nationals in Florida in the early 1960s. The 1960 U.S. Census Bureau report revealed that close to 3.5 million people had Spanish surnames in five southwestern states: Arizona, California, Colorado, New Mexico, and Texas. Of these, almost 1.75 million were Spanish-speaking children—many of whom failed school and became dropouts because their special language needs had not been adequately addressed. The original expectations were that they would learn English in the same manner their English-speaking peers learned English. Unfortunately, this meant that the Spanish-speaking children started school at a disadvantage.

In 1963, the U.S. Commissioner of Education, Francis Keppel, considered federal assistance for education a requirement for U.S. economic growth and national security. A few months later, Keppel told the House Education Subcommittee that he “branded as a national shame the fact that 23 million Americans over 18 have completed only eight

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years of schooling.” Keppel also explained that the lack of education was contributing to the unemployment of these young adults, and because of their low literacy skills, retraining programs could not assist them. 

Speaking in 1964 at the 99th Annual Meeting of the American Association of School Administrators, Keppel said:

It is true that they (children of poverty) come from families of low educational attainments, that their homes lack books and other incentives to learning, that they come to school without middleclass cultural endowments.

But we cannot and dare not continue to use this dreary recital as an excuse for poor schools and ineffective education.

Thank God, for the civil rights movement. It provides the very opportunity we have been looking for.

On January 12, 1965, Johnson introduced a comprehensive education bill to Congress. The president stressed the importance of education not just for the individual, but also for the best interest of the nation. He believed America needed an educated population that could build a peaceful world while maintaining technological advances and a democratic way of life. Johnson saw the possibilities of what a good quality education for all could provide the nation.

Specifically, four major tasks confront us:

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80 Ibid, 14.

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 learns at every stage along the road to learning.\textsuperscript{82}

Johnson emphasized the need to provide federal assistance to state educational systems without exercising federal control.

The burden on the Nation’s schools is not evenly distributed. Low-income families are heavily concentrated in particular urban neighborhoods or rural areas. Faced with the largest educational needs, many of these school districts have inadequate financial resources. This imbalance has been increased by the movement of high income families from the center of cities to the suburbs – and their replacement by low-income families from rural areas.\textsuperscript{83}

Johnson considered the high dropout rates in low-income areas throughout the major cities a serious crisis that affected the whole nation. He thought it imperative that government be involved.

Assistance will be provided:

On the basis of census data showing the distribution of low-income families among the counties or school districts within States.
Through payments made to States for distribution to school districts.
With the assurance that the funds will be used for improving the quality of education in schools serving low-income areas.

\textsuperscript{82} Congressional Record, Volume III, Part 1, p. 508. Full Educational Opportunity—Message from the President (H. Doc. No. 45).

\textsuperscript{83} Ibid., 509.
On the condition that Federal funds will not be used to reduce State and local fiscal efforts.\textsuperscript{84}

At the \textit{Elementary and Secondary Education Act of 1965} committee hearings, Anthony Celebrezze, Secretary of Health, Education, and Welfare, acknowledged that education could break the cycle of poverty among the poor.

We have come to see the clear link between high educational and high economic attainment—and between poor education and corrosive poverty that affects not only the individual but his city and State and the whole Nation’s progress.

The lack of adequate education for millions of our poorest young people is a major factor in our present high rates of youth unemployment, delinquency, and crime.\textsuperscript{85}

Celebrezze said that at this time, with the nation’s population increases, now more than ever before, efforts should be made to motivate students to get an education that allows them to obtain employment.

The cause of these dropouts, and the despair and disillusionment that characterized them, is not so much that the students have failed education as that education, as they have found it, has far too often failed them.

Education’s deficiencies, we have come to recognize are nowhere more marked than in the poverty of the schools that serve the children of the poor—in the heart of our great cities and in many rural communities. In the core of these cities and communities, poverty reduces local resources to the peril point. Because the tax base is low, funds for education are inadequate and the schools and the children suffer.\textsuperscript{86}

\textsuperscript{84} Ibid.

\textsuperscript{85} \textit{Aid to Elementary and Secondary Education: Hearings Before the General Subcommittee on Education of the Committee on Education and Labor, House of Representatives, 89\textsuperscript{th} Congress 1\textsuperscript{st} sess. On H. R. 2361 and H. R. 2362, Bills to Strengthen and Improve Education Quality and Educational Opportunities in the Nation’s Elementary and Secondary Schools, Hearings Held in Washington, D. C. January 22, 23, 25, 26, and 27, 1965, Part 1, 64.}

\textsuperscript{86} Ibid., 64.
At these same hearings, Keppel declared that Johnson’s proposed bill placed resources where they were most needed, giving every child an opportunity to succeed, regardless of color or religious affiliation.\(^87\)

Johnson’s cabinet worked closely with educational organizations to develop common grounds for the bill. Robert McKay, Chairman of the Legislative Commission of the National Education Association, strongly advocated for the bill when he said:

> We believe that Mr. Johnson’s message constituted one of the strongest commitments to meeting the urgent needs of education ever to come from the White House. We believe the president has forthrightly faced up to the practical problems of getting a school support bill enacted and has offered a proposal which should have the backing of all individuals and groups interested in the educational welfare of the Nation.\(^88\)

The *Elementary and Secondary Education Act of 1965* hearings involved testimonies from educational professionals with different backgrounds. Education experts recognized that even though new techniques, equipment, textbooks, and other teaching materials were available in districts that could afford them, the districts that needed them the most could not afford the latest materials. These classroom conditions were inadequate to provide the same level of education.

The bill passed the House of Representatives with minor changes and was approved by the Senate on April 9, 1965 with no additional changes. With a vote of 73 to 18, this was considered a great victory for the Johnson administration.

Leaders involved and their arguments

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\(^87\) Ibid., 84.

\(^88\) Ibid., 235.
Language scholars and minority activists supported the Civil Rights Movement while insisting that discrimination was not only based on race, but also national origin, language, culture, religion, and gender. It was argued that the treatment of language minorities was inequitable.

Educational expert, A. Bruce Gaarder, wrote about the importance of educating the bilingual child: “strengthening and maintaining the mother tongue will contribute powerfully and directly to the development of the personality and intellect and in turn, increase the student’s ability to learn English.”

The social sciences of the time challenged the theories of intelligence that attributed a negative impact of bilingualism to intelligence. Wallace Lambert disputed statements that made a correlation between bilingual students and their intellectual shortfalls:

Many studies in the educational and psychological literature have concluded that bilingual children show a lower average score on tests of intelligence when compared with monolingual children who are supposedly matched on all pertinent characteristics except bilingual experience. The findings are not convincing when one surveys the total range of studies undertaken. Elizabeth Peal and I carried out a large study on this question last year with ten-year olds in Montreal. We attempted to match very carefully the students who finally were categorized as bilingual or monolingual. For example, we painstakingly checked on the socio-economic background of the two groups of students and made sure the bilinguals were really competent in both languages. Our results clearly show that the bilingual students are far superior to monolinguals on both verbal and non-verbal tests of intelligence. We concluded that the

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bilinguals may have an advantage in tests requiring “cognitive flexibility” due, perhaps, to their being bilingual.90

Referring to the acculturation of the bilingual child, Chester Christian, Jr. emphasized the need to recognize the student culture and mother tongue as positive elements of a child’s identity.

. . . the fact has often been ignored that to human beings born into any language and culture, that language and culture represent their own existence as human beings—their own particular way of being human—and that taking this away from them is in a very real sense an attempt to take away their lives—an attempt to destroy what they are and to make of them a different kind of being. This is true even when they are willing to assist in this process of destruction.91

Christian indicated the need to continue research in bilingual education. He thought it was time to try new ways of educating the bilingual child and that it was imperative this task succeed for the betterment of the nation.

Since ancient times, bilingualism was the norm among the powerful class. Joshua Fishman indicated that in an elitist environment, the learning occurs in balance and higher level proficiencies are developed. Referring to the elite, Fishman noted:

Both of the languages mastered by these children, their mother tongues and their “other tongues,” are commonly learned in contexts of respect, literacy, and fluency. Where this is not the case, where the vernacular of an elite suffers in comparison with some superposed language, no implication of low intelligence or of low verbal aptitude is drawn from the fact that the elites and their children are rather limited in the mastery of their vernacular. It is merely recognized that the vernacular is currently of lesser functional or attitudinal value in the particular social context of


elitist families and the best reflection of their verbal ability, therefore, is derived from their “other tongue” usage. Certainly, where everyone is of similar class and of similar bilinguality no substantial relationship between bilingualism and intelligence is possible.

Similarly, it is only to be expected that individuals who are socialized in verbally unstimulating and non-communicative environments will develop less verbal proficiency, whether they are monolingual or bilingual. They will necessarily score lower on verbal tests of ability and, frequently, will score equally low on conceptual tests of any kind, since their environments are also experientially impoverished and since most non-verbal concepts are frequently facilitated by verbal mediators.92

By 1965, Theodore Andersson encouraged educators to implement bilingual programs. Anderson pointed to the need to improve foreign language education, particularly Spanish for native speaking children. He also recognized the social science advances and how they could be beneficial in the classroom.93

The professional community recognized that the educational system provided to language minority children was a failure. At the 1965 second annual conference of the Southwest Council of Foreign Language Teachers in El Paso, Texas, Herschel Manuel stated that he felt there were two basic objectives. The first directly related to the work of the school. He felt that what, “we do in the school depends in part on the kind of community which we wish to build and maintain.” He said that a democratic society with members who participate freely and effectively, according to their respective talents for the common good, with equal rights and responsibilities to all, was the desired objective.


“This means that the Spanish-speaking child, indeed every child, must be prepared for full membership in such a community. In this preparation, the school has a major responsibility.” Manuel’s second objective pertained to the children themselves: “It is the development of the native capacity of each child to the highest possible level. This objective is supported not only by a just regard for the inherent rights of every human being, but also by social need. Our common welfare depends on the conservation and development of human as well as material resources.”

Furthermore, Manuel said:

The attainment of these objectives in the Southwest is beset by special difficulties thrust upon us by events of the past, now beyond our control. Into this region have poured great numbers of people of different ancestry, different language, and different culture. First came the Spanish-speaking people from the South, then in greater numbers the English-speaking people from the North and East, and in lesser numbers people of other languages. History determined the geographical boundary between the two adjoining nations, and the Southwest of our immediate interest was established as a part of the United States. Here we are, people of different ancestry living together. We cannot now be separated. We must courageously attack the difficult problems of building a united community and adjusting education to the needs of children who come to us with differences which challenge our best efforts.

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95 Ibid., 639.

96 Ibid., 639.

According to *The Invisible Minority* report of the National Education Association’s (NEA) Tucson survey on the “Teaching of Spanish to the Spanish Speaking,” it:

1. Recognized that the majority of Mexican immigrants came from very low socioeconomic status and were unskilled. As of 1966, the Hispanic population was still in poverty in the five southwestern states.  

2. Highlighted the low academic achievement and high dropout rates of Spanish-speaking children throughout the southwest. In other words, many children with Spanish surnames in the southwestern states experienced academic failure, limited success, or became school dropouts. 

As quoted from the report:

*Is there something inherent in our system of public schooling that impedes the education of the Mexican-American child—that, indeed, drives him to drop out? And the answer, unfortunately, must be yes. A. Bruce Gaarder, Specialist in Foreign Languages with the U. S. Office of Education, stated it well in a report which he presented at the second annual conference of the Southwest Council of Foreign Language Teachers, November 13, 1965, at El Paso, Texas: “The greatest barrier to the Mexican-American child’s scholastic achievement … is that the schools, reflecting the dominant view of the dominant culture, want that child to grow up as another Anglo. This he cannot do except by denying himself and his family and his forebears, a form of masochism which no society should demand of its children.” Dr. Manuel puts it another way: Ironically, the child who enters school with a language deficiency and the cultural deprivation of long-continued poverty is often made unbearably aware of his disadvantages. School is supposed to help him solve these problems; instead it convinces him that they are beyond solution.***

*The Invisible Minority* report raised arguments that included the hurt self-imagery inflicted upon linguistically-diverse children by forcing them to only speak English—a

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97 Ibid., 8.
98 Ibid., 8.
language that was not familiar to them—or receive punishment when engaged in native language conversations.

In telling him that he must not speak his native language, we are saying to him by implication that Spanish and the culture which it represents are of no worth. Therefore (it follows) the people who speak Spanish are of no worth. Therefore (it follows again) this particular child is of no worth. It should come as no surprise to us, then, that he develops a negative self-concept—an inferiority complex. If he is no good, how can he succeed? And if he can’t succeed, why try?99

The Invisible Minority report also indicated an urgency in restoring the positive self-images among the Spanish-speaking children. Educating Mexican American children in the southwest could be a difficult task that educators could turn into positive experiences if the proper scientifically based strategies were implemented.100 The Invisible Minority report also made recommendations to better serve Mexican American children by recognizing there were different programs available—although it did not specify one particular model. The report acknowledged the financial assistance that the Elementary and Secondary Education Act of 1965 provided for the development of programs that served Spanish-speakers. At the same time, it stated the need for legislation and more funds.

In May 26, 1966, Tom Littlewood from the Chicago Sun-Times, wrote about the alarming poverty in the southwestern states among Spanish–Mexican ancestry, their increasing population, and the political power this group could exercise if organized as a united front. He noted that:

99 Ibid., 11.
100 Ibid., 12.
A new militant spirit recognizing the necessity of banding together for political action is emerging. The two states where this movement is likely to have its greatest impact are Texas and California.

By uniting in California, leaders of the ethnic group are making plans to be more demanding of the Democratic Party and the political action arm of organized labor.

In Texas, if the movement catches on, its pressure would be felt by the unique “Anglo” power structure in south Texas.101

Senator Ralph Yarborough of Texas, one day after Littlewood’s article, shared the complete Chicago Sun-Times article with Congress members. His goal was to impart that the increased number of Mexican Americans in the southwest, particularly in Texas and California, should be taken into consideration by politicians and country leaders.

On January 17, 1967, Senator Yarborough (with Senators Jacob Javits and Robert F. Kennedy of New York; Thomas Kuchel of California; Joseph Montoya of New Mexico; Jennings Randolph of West Virginia; Harrison Williams of New Jersey; and John Tower of Texas), introduced to Congress a bill named the Bilingual American Education Act (S.428):

I believe the time has come when we can no longer ignore the fact that 12 percent of the people of the Southwestern United States do not have equal access with the rest of the population to economic advancement. The time has come when we must do something about the poor schooling, low health standards, job discrimination, and the many other artificial barriers that stand in the way of the advancement of the Mexican-American people along the road to economic equality.

Mr. President, the time for action is upon us. I am introducing today the Bilingual American Education Act. Its declaration of policy reads as follows:

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In recognition of the special educational needs of the large numbers of students in the United States whose mother tongue is Spanish and to whom English is a foreign language, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out new and imaginative elementary and secondary school programs designed to meet these special educational needs.

In addition to Mexican American students, those of Puerto Rican descent would be eligible.

Activities such as bilingual educational programs, the teaching of Spanish as the native language, the teaching of English as a second language, programs designed to impart to Spanish-speaking students a knowledge of and pride in their ancestral culture and language, efforts to attract and retain as teachers promising individuals of Mexican or Puerto Rican descent, efforts to establish closer cooperation between the school and the home, and other activities which meet the purposes of the bill, could be carried out.102

Yarborough explained how the bill allows schools to use new methods when teaching Spanish-speaking students, serves as a showcase for other schools, and provides funds for teacher training and more research. The bill also established an education of bilingual children advisory committee, and teacher training centers and summer institutes. Yarborough further pointed out the bill’s political implications and how the nation would benefit. According to Yarborough, the proposed bill was not only a matter of equity and justice, but also a way to tap into underutilized national assets. He was referring to the potential growth in the economic relationships between Latin America and the United States. He had the vision to foresee how educating Spanish-speaking children could strengthen the commercial relations of the Continent:

102 Congressional Record—Senate, January 16, 1967. Two Proposals for a Better Way of Life for Mexican-Americans of the Southwest, 599.
We have a magnificent opportunity to do a very sensible thing—to enable naturally bilingual children to grow up speaking both good Spanish and good English, and thereby to be in a position to go forth confidently to deal with the world, rather than retreat in embarrassment from a world which speaks a language which they can understand only imperfectly.103

Accompanying the *Bilingual American Education Act* was another bill, the *Southwestern Human Development Act*. Senator Yarborough thought the War on Poverty needed to include the special needs of Mexican Americans:

I introduce these two bills today with the fond hope that Congress will see the justice and the necessity of taking affirmative action. We can no longer sit idly by and engage in the hypocrisy of saying that this is a land in which every American has an equal chance to get ahead. But we have the wealth to make our country truly a land of equal opportunity, and from our folklore we have the tradition that it should be so. Let us begin to make the myth of equality of opportunity a reality for the Mexican-Americans of the Southwest.104

The *Bilingual American Education Act* was a bill to amend the *Elementary and Secondary Education Act of 1965*. It was to become *Title VII* of the *Elementary and Secondary Education Act of 1965* bill. Sections 701 through 706 explained the purpose of the legislation as the federal government’s commitment to provide financial assistance for the development of special programs for students to whom Spanish was their native language. It also explained the appropriations that would be made for the fiscal years 1968 thru 1971; who was entitled to receive services; guidelines for the use of federal funds; the need to develop policies, procedures, and programs to meet the purpose of the law; fiscal control and accounting procedures, and the requirement of annual reports.

103 Ibid., 600.
104 Ibid.
Section 707 established the *Advisory Committee on the Education of Bilingual Children* to advise the Commissioner of Education on issues regarding children whose native language is other than English.\(^{105}\)

In Washington, DC on May 18, 1967, the Special Subcommittee on Bilingual Education of the Committee on Labor and Public Welfare hearings started. Senator Yarborough shared with his audience data regarding Spanish-speaking students’ dropout rates. For instance, that in the southwestern states, at fourteen years of age, these students completed an average of 8.1 years of schooling as opposed to Anglos that completed twelve years; and in Texas, Spanish-surname students completed only 4.7 years of school. He expected this situation to change with the *Bilingual American Education Act* and recognized that some experimental programs were already in place.

I am hopeful that this situation can be changed. A few signs of potential change have already appeared. A handful of experimental education projects have begun. A number of educational conferences have been held to exchange information and make plans for the future. Movements are well underway in California and Texas to change the State laws to allow teaching in Spanish in the public schools.\(^{106}\)

Harold Howe II, the U.S. Commissioner of Education, indicated, at the same hearing, that the federal government recognized the special needs of children from non-English speaking homes and because of that, the following special programs were being funded:

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\(^{105}\) Ibid., 601.

\(^{106}\) Bilingual Education, Hearings before the Special Subcommittee on Bilingual Education of the Committee on Labor and Public Welfare, United States Senate 90th Congress, 1st Session on S.428, Part 1, May 18, 19, 26, 29 and 31, 1967, 1.
- Head start
- Children of migrant workers
- Pilot programs that teach English as a second language
- Teacher training

Also recognized were classrooms and libraries that were equipped with Spanish materials and bilingual education research. Initially, Howe saw no need to have additional legislation, but later, supported the special legislation for non-English speaking children—advising caution regarding the federal government’s role:

> If it is decided to enact special legislation, the framework and substance of the legislation are highly important. Under these circumstances, S. 428 raises some issues which should be carefully considered.

The educational problems of children from homes in which English is not spoken raise a number of questions in the field of education for which there are no sure answers. These questions involve basic philosophy of education, policy positions on the role of the Federal Government in education, and the role of language in the education process. I hope that no Federal legislation will attempt to stake out a position with regard to the best approach to the problems which might tend to preclude flexible, experimental, and innovative attacks upon the problem in the future.\(^{107}\)

Howe also stressed the importance of flexibility, in order to encourage creativity and innovations in programs designed to address the needs of this specific student population, and teacher training—especially since this area of research was in its beginning stages.

\(^{107}\) Ibid., 33.
In closing, I would like to reiterate what we all recognize—that there is no single solution to an extremely complex problem having many facets—each requiring special consideration. Bilingual education is a valid and necessary component of any solution. It is a necessary tool for thousands of our boys and girls—but it is only a part of the total answer to the economic, social, and educational deprivation affecting millions of non-English-speaking Americans.\textsuperscript{108}

Senator Yarborough expressed his concerns about Howe’s last statement that mentioned the inclusion of speakers of other languages, not just Spanish-speaking children. Yarborough specified the need to narrow the bill to serve the Spanish-speaking children. He said:

I have limited it to Spanish because this is primarily a Spanish situation. There are many of them. As the poet Frost said, “They were here we were.” They were almost before the land, at least before Anglo land.\textsuperscript{109}

There is some reference in here indicating that you called it other languages. We have limited this bill to the Spanish language because there are so many more of them than any other group. If you spread this idea to every language it would fragment and destroy the bill. There is also a basic difference between Spanish-speaking and the other non-English-speaking groups. If you take the Italians, Polish, French, Germans, Norwegians, or other non-English-speaking groups, they made a definite decision to leave their old life here in accordance with ours, and we assumed they were consenting at that time to give up their language too.

That decision to come here carried with it a willingness to give up their language, everything.

That wasn’t true in the Southwest. We went in and took the people over, took over the land and culture. They had our culture superimposed on them. They did not consent to abandon their homeland and to come here and learn anew. They are not only the far more numerous group, but we recognize the fact that they are entitled to special consideration.\textsuperscript{110}

\textsuperscript{108} Ibid., 34.

\textsuperscript{109} Ibid., 45.

\textsuperscript{110} Ibid., 37.
Senator Jennings Randolph from West Virginia agreed with Howe’s comments regarding the need to include other languages in the legislation.

In Senate 428, even though I have joined in sponsoring this legislation, I can see the need for moving beyond the Spanish-speaking problem to the problems of those with other basic languages. And I am not sure that in this legislation that broadening should not take place. I am only saying that I think we have a need which goes beyond the bilingual education programs in our American system if we are really to attack this problem. We do know that differences in language have been a barrier to understanding and possibly even to a basis for peace. I do not want to say that that statement could actually be valid to its nth degree; but I feel that this legislation, although I believe it should be broadened to include the non-Spanish-speaking, encompasses a very sound approach to a pronounced problem of our times.\textsuperscript{111}

Senator Yarborough argued that the big representation of Spanish-speaking children in the United States was a fact and would not be argued in Congress as it would be in the case of including other languages.

Dr. A. Bruce Gaarder, Chief of the Modern Foreign Language Section of the United States Office of Education, presented to the Special Subcommittee on Bilingual Education of the Committee on Labor and Public Welfare five arguments in favor of bilingual education:

1. Children from households where English was not the primary language were at a disadvantage when compared with English-speaking children. This disadvantage could be eliminated if the primary language was the language of instruction.

2. By promoting positive relationships between home and school, the use of a child’s primary language would create a partnership in the best interest of the child.

3. When schools punish or reject the mother tongue, it affects children’s self-images, identity, and culture; it also affects their parents’ image.

\textsuperscript{111} Ibid., 44.
4. By the time these children become adults, they have lost their potential to be fully bilingual and obtain the benefits that bilingualism could have in the workforce.

5. As a nation, by not providing opportunities to develop bilingualism, we lose important national resources.\textsuperscript{112}

Gaarder mentioned how past researchers tried to establish a correlation between bilingualism and lack of intelligence without taking into consideration how the two languages were taught and the various conditions involved. Gaarder said it was difficult to comprehend how for centuries, the leaders and elite of all countries promoted bilingualism for their children. Gaarder pointed to researchers whose findings support bilingual education and the use of the native language as the first medium of instruction. Gaarder also warned about the inaccurate approach to teaching English to speakers of other languages.

Let me say just a word about the term “English as a second language.” It is simply a technical term widely used by educators. As the chairman has said, it is a question of chronological primacy. English must be second because the child has already learned the first one. It has nothing to do with the inevitable fact, the propriety, and the appropriateness of English being our national language and its being given proper attention. In a way, it is our failure to recognize that English is not their mother tongue that has made it almost impossible for school people to recognize and teach English as a second language. We have assumed that the child already knew English, and our methods have been the same as those used with monolingual speakers, but the non-English-speaking child comes with a complete absence of knowledge of the “deep grammar,” as we call it, of English, the almost complete knowledge which a native English-speaking child brings at the age of six. He has virtually complete mastery of the structure of his native tongue at the age of six,

\textsuperscript{112} Ibid., 47.
and the teacher assumes that the other little child has the same mastery. And it is disastrous.113

For Gaarder, bilingual education was not a pedagogical discussion but an educational policy. There is strong data indicating that bilingual education in public schools can provide an excellent education, as in the case of the bilingual education program in the Coral Way School in Miami, Florida.

This is an achievement in language learning that colleges and universities cannot attain at all. It opens to us the possibility that in schools which enroll both non-English and English-speaking students bilingual education programs could not only provide better schooling for those who are necessarily bilingual, that is, the Spanish and the Polish, and so on, but it could provide a far superior way of developing a second language capability in ordinary American children who speak English only. In no school program can you develop the ability, by ordinary foreign language teaching, to learn equally well through either language. But, when the language is used as a medium of instruction in the other subjects, teaching takes on a new force and almost any child can become bilingual.114

Gaarder’s written statement made recommendations that included his support for bilingual education—not only for Spanish-speaking children but also for speakers of other languages. He stressed the importance of teacher training, partnerships with ethnic organizations that provide support for the maintenance of the mother tongue, and the need for federal financial support for bilingual education.

The testimony presented by Monroe Sweetland, legislative consultant for the West Coast Regional Office of the National Education Association, included support for the legislation as it stressed the discrimination the Spanish-speaking population experienced.

113 Ibid., 50.
114 Ibid., 51.
Sweetland acknowledged the unique problems of the Spanish-speaking children and their language difficulty as being deep-rooted, complex, and not understood. He felt that even though many programs targeted children living in poverty, the language issues weren’t effectively addressed. Furthermore, things were moving too slowly. He believed this lack of action could be due in part to the lack of cohesiveness among the Spanish-speaking population and their lack of political power at the national, state, and local levels.\footnote{Ibid., 96.}

Another witness at the hearings was Dr. Joshua Fishman, research professor of social sciences at Yeshiva University in New York City. Fishman was appreciative that the bilingualism problem was recognized by the Senate and the House of Representatives. His testimony made recommendations for an approach to bilingualism that would provide consistent support for language maintenance, not just limited to a day of festivities.

The testimony of Dr. Theodore Andersson, Chairman of the Department of Romance Languages of the University of Texas and a well known national authority in bilingual educational issues, complimented the subcommittee for its initiative of the \textit{Bilingual American Education Act} (S. 428). Andersson highlighted how the goals of the \textit{National Defense Education Act of 1958} have not been met. He noted that many children that have the potential to be fully bilingual have not mastered either language and so are illiterate in both.

There is a still more important objective, also envisaged in Senate bill 428. This objective is psychological, social, and economic in nature. It

\footnote{Ibid., 96.}
has long been recognized by educational specialists that the best medium for a child’s learning is his mother tongue. This is the language he understands and speaks without effort. This is the language in which the young child feels and acts. This is the only language in which the young child feels and acts. This is the only language in which the young child can feel confident. At the same time his self-image, his sense of sufficiency, his sense of dignity all depend on a full and generous recognition and appreciation of his language and culture by English-speaking around him. Fortunately, in the experimental programs which are beginning to burgeon in Texas, this concern for the child’s self-image plays a prominent role. Psychological security leads, of course to social security and acceptance, and this in turn leads to increased economic opportunities. The proposed American bilingual education bill therefore is a direct frontal attack not only on our educational deficiencies but also upon our social and economic inequalities, and it appears to me as a glorious answer to a language educator’s dream.116

Andersson assured the subcommittee that teaching multiple languages to a child does not cause mental retardation and contrary statements did not have a solid foundation.

At the time that S. 428 was introduced to Congress, other similar pieces of legislation advocating for bilingual education (H. R. 9840 and H.R. 10224) were introduced to the House of Representatives. The hearings of these bills were held in 1967 in Washington, DC on June 28th and 29th. Testimony from James Scheuer, House Representative from the State of New York, emphasized the value-added that each ethnic group contributed to the American society.

We used to have the ideas, decades ago, that America was a melting pot—that folks came from all over the world, went through our educational institutions, and lost the distinctive qualities with which they came, ending up as part of a vast, homogeneous group.

I think we have discarded the philosophy of the melting pot. I think now we still have an idea of integrating people in our society, but we have

116 Ibid., 222-223.
a new concept of the value of enhancing, fortifying, and protecting their differences that make our country such a vital country.

I think we have a new concept of preserving the various heritages which our kids bring to American life. One of the great advantages to this legislation is that some of the teaching would be done in the foreign language, and it would give the Puerto Rican, the Mexican, Polish, Japanese, Chinese, and the French kids an improved self-image, a concept that they have brought something real and valuable to a heritage which we don’t want lost.117

Representative Augustus Hawkins, of California, indicated that Title I of the Elementary and Secondary Education Act of 1965 gave room for funds usage in bilingual education programs. At the same time, Hawkins recognized that without the directive of a legislation that specifically called for bilingual education programs, it was unlikely these programs would be developed due to other educational priorities.

I believe my remarks so far have made two points quite clear. One, there is a definite problem in our nation of educating the non-English speaking child; the schools, beyond a doubt, are failing to provide adequate educational opportunities for the non-English speaking child. Two, bilingualism seems to be the answer to the problem; bilingualism is the tool which enables the non-English speaking child to receive the educational opportunities that he is so greatly in need of. With these two points quite clear, why have our schools failed? If we know we have a problem and if we know the answer to the problem, then why has not the problem been solved? This leads us right into why we do need special bilingual legislation. State and local authorities have not been able to provide bilingual programs for our non-English speaking children because of the avalanche of other priorities that they feel they must provide for. State and local authorities have simply not put an emphasis on a bilingual program and on solving the tragic problems of the non-English speaking child.118


118 Ibid., 96.
At the hearings, House Representative Edward Roybal from California, acknowledged that even though he had his own bill (the H.R. 8000 that promoted bilingual education), he still had an open mind and accepted any improvements to his initial proposed legislation as long as the needs of the children speakers of other languages were met. Roybal understood that the Spanish-speaking children would benefit the most, but he also wanted to help speakers of other languages.

The subcommittees listened to testimonies from college professors, researchers, school superintendents, principals, classroom teachers, leaders of professional organizations, and grassroots movements. Throughout the testimonies, there was public recognition of the failure of education to meet the needs of children whose first language was other than English. The biggest differences were related to the educational approach for instructing English language learners, the need to include speakers of other languages (not only the Spanish-speaking child), and the on-going need for research and teacher training. Some leaders strongly advocated for mother language maintenance to develop positive self-image and cultural pride. Others believed that more research and experimentation was necessary. All witnesses at the hearings agreed that federal financial support was indispensable in order to facilitate research, try new teaching methodologies and strategies, provide training for teachers, and purchase adequate educational materials for this particular student population. Congress hearings and the House of Representatives recognized that with children speakers of other languages, educational needs required a systemic approach with financial support from the federal government.
Congress approved the bilingual education legislation on January 2, 1968 as Public Law 90-247. This law was an amendment to the *Elementary and Secondary Education Act of 1965* (Public Law 89-19), and modified *Title VII*, renaming it as *Title VIII*. This law designated *Title VII* as the Bilingual Education Programs, sections 701 through 707. The components of the legislation included the:

- recognition of the special needs of children of limited English speaking abilities.

- authorization of funds for the years 1968 to 1973.

- priorities established for the areas with the largest number of children between the ages of 3–18 that were from low-income families.

- use of federal funds. Funds could be used to develop programs (including planning, research, or implementation of pilot programs), to train teachers, teacher-aides, or other personnel that participated in the bilingual program, and to purchase materials and equipment. In addition, schools should promote history and culture instructions associated with the languages in their programs, as well as establish close communication between home and school, create early childhood educational programs, adult education classes for parents with children in the programs, dropout prevention methods for teenagers at risk, and a vocational instruction program for bilingual students.

- specific requirements for grant applications. Applications should:

  1. Indicate the services provided that meet the purpose of the law.
2. Explain any established policies and procedures.

3. Explain how fiscal control and accounting procedures are maintained.

4. Provide information regarding the extent the provided funds will be effective in improving the educational opportunities of people in the area served; possibly via an annual report.

5. Provide assurances that provisions were made for project participation of children of limited English-speaking abilities not enrolled on a full-time basis.

6. Explain how experts are utilized in the field. (Children in nonprofit private schools could benefit from this grant.)

7. Have the ability for payments to applicants to be made in installments, advances, or by reimbursement.

8. Explain how an Advisory Committee on the Education of Bilingual Children consisting of nine members and at least four educators that specialize in instructing speakers of other languages will be established.119

The bill introduced by Senator Yarborough was supported by different interest groups. The bill recognized the special needs of children whose first language was other

than English and the role the federal government had in providing financial support for educational opportunities for this underserved population.

At the same time that Yarborough brought his bill to the Senate, similar bills were introduced in the House of Representatives. At the hearing before the Special Subcommittee on Bilingual Education of the Committee on Labor and Public Welfare United States Senate 90th Congress, and the hearing before the General Subcommittee on Education of the Committee on Education and Labor House of Representatives 90th Congress, witnesses recognized the system's educational failure of meeting the needs of children's speakers of other languages. The bill changed its focus from a Spanish-speaking-only approach to a multilanguage approach. No specific programs were recommended by the bill. The hearing discussions indicated that native language instruction was the best approach for small children, using special methodologies for teaching English as a second language. The Bilingual Education Act of 1968 was not compulsory, leaving the decision to initiate programs to school districts and local educational agencies. The character of the bill was remedial and compensatory, directed toward low-income families. The implementation of bilingual programs did not have clear guidelines, due to the newness of the methodology and the interest in providing opportunities for new and creative initiatives.

Summary–Conditions That Existed

The beginning of the 60s’ found the United States economy in an unstable situation. President John F. Kennedy’s State of the Union Address in 1961 stated:

We cannot afford to waste idle hours and empty plants while awaiting the end of the recession. We must show the world what a free
economy can do – to reduce unemployment, to put unused capacity to work, to spur new productivity, and to foster higher economic growth within a framework of sound fiscal policies and relative price stability.\textsuperscript{120}

Kennedy embraced changes that stimulated investments as he initiated new social programs. The young generation that Kennedy brought forth from his cabinet brought change to the White House. The world was a different place, and it was important for the U.S. to occupy a leadership position in the international community and promote a more peaceful and just world.

The economic conditions were in desperate need of stimulation. This came as a result of Kennedy’s commitment to revitalizing the economy. His term in office was abruptly ended by his assassination, but the seeds for change had already been planted. His successor, Lyndon B. Johnson, continued with Kennedy’s programs. President Johnson passed a tax cut that accelerated business investments and created the conditions for bipartisan work. Due to his political skills, he was able to pass far-reaching legislation that stimulated the national economy and carried the War on Poverty toward his plans for a great society. During his administration, Johnson was able to sign many civil rights reforms, such as the \textit{Economic Opportunity Act of 1964}, the \textit{Civil Rights Act of 1964}, and the \textit{Fair Housing Act of 1968}. The economy recovered but was eventually negatively impacted by high-war expenditures. The escalation of the Vietnam War and its growing expenses created major controversies and division in the country.

The political conditions highly favored the Democratic Party and its War on Poverty during the first half of the 60s. After the assassination of civil rights activist, Martin Luther King Jr., the Civil Rights Movement leadership was debilitated by acts of violence. The spread of violence and riots across the nation (in protest of the Vietnam War), and the discrimination against minorities alarmed liberal supporters of the movement. As war casualties escalated, the Johnson administration faced strong criticism. President Johnson addressed the nation on March 31, 1968, announcing that he would not seek reelection. His shortcomings led to a Republican Party victory in the November 1968 elections.

In the U.S., the social aspects of the 1960s challenged the status quo. With the help of strong political supporters that used established institutions to fight the cause, minorities were organized and united in their struggle against discrimination. The demand for equal opportunities was a common theme among African Americans, the women’s liberation movement, students, and other minorities such as Mexican Americans and Jewish American. Middle-class students experimented with drugs and sex and voiced their concerns for environmental protection such as clean water.

The 1960 U.S. Census Bureau provided data that clearly indicated the educational and economic disadvantages that racial minorities and low-income families had. It was imperative to move the nation forward and strengthen America’s greatest national asset—humans. The educational context of the 1960s put more emphasis than ever in education being the great equalizer of society. It was believed that education was the means that would make it possible for the disadvantaged to achieve social mobility. The growth of
suburban America also put pressure on educational demands. The country could no longer afford the neglect of disadvantaged groups; it was now necessary to increase the nation’s wealth. As a result, the federal government took a more active role in the administration of education. The *Civil Rights Act of 1964* accelerated the process of school desegregation. In 1965, the *Elementary and Secondary Education Act of 1965* provided assistance to school districts with high proportions of low-income students, provided allowances for textbooks and library materials, authorized funds for community educational centers, and created grants for educational research and training. Efforts were made to narrow the gap of low-income and racial minority students by emphasizing parental involvement. In 1968, the *Elementary and Secondary Education Act of 1965* was amended to include new programs and additional grants for special education and non-English speaking children.

The educational context of the 1960s was affected by this heightened awareness of the nation in developing its national talents with education. The 1960 census report provided important data regarding school attainment by race, income, and location. Francis Keppel, Commissioner of Education in 1963, told the Education Subcommittee that 8 million adults that were over the age of 25 had only completed less than five years of schooling and were considered functionally illiterate—not prepared to compete in the labor force at all.\(^{121}\) It was clear that this lack of uneducated citizens represented a burden to taxpayers. It was urgent that the educational needs of the disadvantaged get addressed in order for the nation to move forward. The *Civil Rights Act of 1964* opened the doors

for equal treatment—including excellence in education for the nation’s poor. The federal government was interested in addressing issues of inequality in education, including racial segregation. The *Elementary and Secondary Education Act of 1965* expanded the government’s role in education, introducing various interventions to improve the academic performance of poor children and requiring parental involvement.

In 1967, Senator Ralph Yarborough introduced a bill to the Senate that would address the special language needs of Spanish-speaking children. At the hearings, the bill was amended to include children speakers of other languages. The expanded bill, which included children whose primary language was *other than* English, was supported by the House of Representatives, the Senate, various researchers, data obtained from successful experimental programs in the southwest, and the programs regarding Cuban education in Miami.
CHAPTER IV
BILINGUAL EDUCATION ACT OF 1974

Economic Conditions of the 1970s

By the time Richard Milhous Nixon took office as President of the United States, the United States economy was experiencing signs of inflation, increasing unemployment, and a recession. The increased military spending during the Vietnam War did not help, as this was causing a negative effect to the federal budget. President Nixon’s inaugural address on January 20, 1969 conveyed a clear message: The government alone could not move the nation forward.

What has to be done, has to be done by government and people together or it will not be done at all. The lesson of past agony is that without the people we can do nothing; with the people we can do everything.1

In 1969, Nixon’s strategy to stop the progress of inflation was to control government expenditures, preserve federal revenues, and get control of government borrowing. During the first part of the year, the economy reacted slowly to this restrictive monetary and fiscal policy. According to the Annual Report of the Council of Economic Advisers:

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The contribution of fiscal policy to disinflation was a slowdown in the growth of Federal spending and the maintenance of a moderate budget surplus. During calendar 1969 Federal expenditures (as measured in the national income accounts) increased by about $9 billion as compared with about $20 billion a year in the 3 preceding years; and the budget surplus amounted to almost $10 billion for the year as compared with a deficit of $5 billion in 1968. Monetary policy reduced the rate of growth of the money supply (demand deposits and currency) from 7.2 percent in 1968 to 2.5 percent in 1969.\(^2\)

The departing Johnson administration submitted a budget, which was now being examined by Nixon’s administration with the intention of cutting $192.9 billion in fiscal expenditures. Most of the cuts came from defense, social security benefits, and other federal programs. In addition, the income tax surcharge imposed by President Johnson to help control inflation was extended until June 1970.\(^3\)

In 1969, the monetary restraint caused declines in bond and money markets, savings deposits, CDs, and treasury notes at commercial banks; business investments showed a moderate rate of expansion. The surtax imposed on businesses did not have a negative impact because it was expected to be a temporary measure. Credit was limited, creating a shortage of cash flow that reflected in high interest rates and affected the housing market. In addition, collective bargaining agreements demanded a 12 percent wage increase. The funds necessary to develop the housing sector were not available in


\(^3\) Ibid, 31.
the private sector so federal agencies played a role in facilitating mortgage funds. Even this intervention could not stop the mortgage credit decline by the end of the year.\textsuperscript{4}

On the other hand, as a result of less disposable income and consumers’ reduced savings due to inflation, income from work rose from $58.5 billion in 1968 to $59.2 billion in 1969. In the third quarter of 1969, concerns for the economic outlook led to an increase in personal savings and a decrease in consumer spending. Auto purchases also decreased, which caused the auto industry to react by making production cuts.

At this time, the workforce increased due to contributing factors such as:

1. the demobilization of the military.
2. the incorporation of women and teenagers into the labor market.

Even with this increase in the workforce, the unemployment rate declined from 3.6 percent in 1968 to 3.5 percent in 1969, mainly because of the Vietnam War, which affected the availability of adult male workers who had represented almost 60 percent of the labor force before then.\textsuperscript{5} Inflation continued in an upward trend that diminished the purchasing power. So the expectation of a higher cost of living prompted workers to demand wage increases to keep up with the inflationary trend.\textsuperscript{6}

During the 1970s, the GNP increased by an annual rate of $66 billion ($897.6 billion). According to economists, it was less due to price increases. Despite all his efforts, Nixon was not able to control inflation during his first year in office.

\textsuperscript{4} Ibid, 39-42.
\textsuperscript{5} Ibid, 47.
\textsuperscript{6} Ibid, 49.
Gross National Product (GNP)—total output of goods and services—rose at an annual rate of $66 billion in 1969 (to $897.6 billion), measured in current prices. But as measured by economists in constant (1958) prices, GNP increased by less than one-third that amount. The rest were price increases. The average inflation of consumer prices was 5.4 percent. Thus, at the end of his first year, President Nixon had had no success at all in meeting his number one domestic goal—control of inflation.7

In January 1970, in his second State of the Union Address, President Nixon indicated the need for new programs that adjusted to the new reality America was now experiencing. Nixon mentioned three priorities that could advance the country and possibly improve the living conditions of Americans:

1. a reform of the welfare system
2. a reform of the government institution or New Federalism
3. reforms that encompassed opportunities for all to acquire property

Nixon, a Republican, did not blame any particular party for the state of the economy, but recognized that the situation needed to change:

Now millions of Americans are forced to go into debt today because the federal government decided to go into debt yesterday. We must balance our federal budget so that American families will have a better chance to balance their family budgets.

Only with the cooperation of the Congress can we meet this highest priority objective of responsible government. We are on the right track.8

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It was in 1970 when the restrictive fiscal and monetary measures put in place started to show their effects. In the first six months of 1970, the monetary policies were relaxed, which increased the supply of credit and produced a decline in the interest rates. The fiscal budget shifted from a surplus of $9 billion in 1969 to a deficit of $11 billion in 1970. This was due in part to the weakened state of the economy, increased unemployment, and higher unemployment compensation rates. The budget deficit was justified as an approach to control the slowdown of the economy.⁹

Also during this time, the economic recovery experienced a setback with the auto industry strike that lasted for two months in 1970. This caused a reduction in defense employment and shorter working hours (a concept that had started in 1969 in efforts of keeping the experienced labor force employed).¹⁰ The unemployment rate reached an overall 4.9 percent for 1970, representing 4.1 million people out of work. This was the highest unemployment rate since 1968.¹¹

Five months after his 1970 State of the Union Address, Nixon addressed the nation on issues of economic policy and productivity, recognizing the economic difficulties the country was facing,

Unemployment has increased; the price index continues to rise; profits have gone down; the stock market has declined; interest rates are too high.

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¹⁰ Ibid., 27.

¹¹ Ibid., 37.
Today I am presenting a program to deal with these problems.12

Nixon continued his speech by stating the steps he planned to use to control the climbing inflation. For example, he appointed a National Commission on Productivity and established a Regulation and Purchasing Review Board. He stressed the importance for businesses and working men to work together to help control the cost of living.

During the second half of 1970, the economic policies of the administration turned more aggressive, requesting business and labor unions to exert price and wage controls. The GNP for 1970 was $974.1 billion—a small increase compared to $897.6 billion in 1969. The unemployment rate rose to 6.2 percent by December of that year. The economic outlook was not very positive, which affected the November elections due to limited Republican representation.13

By 1971’s State of the Union Address, Nixon confirmed that the economy was improving.

But as we moved from runaway inflation toward reasonable price stability and at the same time as we have been moving from a wartime economy to a peacetime economy, we have paid a price in increase unemployment.

We should take no comfort from the fact that the level of unemployment in this transition from a wartime to a peacetime economy is lower than in any peacetime year of the sixties.

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This is not good enough for the man who is unemployed in the seventies. We must do better for workers in peacetime and we will do better.\textsuperscript{14}

Furthermore, Nixon committed to reducing inflation and reforming the federal government.

The beginning of 1971 showed economic improvements, but not enough to reduce the high unemployment rate of 5.9 percent during the first quarter and 6.0 percent during the second quarter.\textsuperscript{15}

Regardless of credit availability and the administration’s announcement of depreciation rules liberalization (or easier monetary policies), investments were sluggish. In 1971, the strongest economic sector was with housing with more than 2 million units built—the highest number ever recorded. This strong demand for housing was a direct result of the easing of credit, government-provided assistance, and subsidized mortgages.\textsuperscript{16}

The consumer price index rate (CPI), which measures the inflation rate, increased at a rate of 6.1 percent in 1969 and 5.5 percent in 1970.\textsuperscript{17} Inflation continued to rise until June 1971 when it reached 7.2 percent. Other economic difficulties included the deficit in the U. S. balance of payments and the decline in U.S. interest rates abroad. As these


\textsuperscript{16} Ibid., 34.

\textsuperscript{17} Ibid., 41.
situations deteriorated, a drastic change in economic policy was announced on August 15, 1971. According to the Annual Report of the Council of Economic Advisers, Nixon outlined the first phase of his new economic policy where he imposed a 90-day freeze on wages and prices, and a rent freeze.\(^\text{18}\)

The United States suspended the convertibility of the dollar into gold or other reserve assets, for the first time since 1934. It imposed a temporary surcharge, generally at the rate of 10 percent, on dutiable imports. Prices, wages, and rents were frozen for 90 days, to be followed by a more flexible and durable—but still temporary—system of mandatory controls. A package of tax reductions was proposed to stimulate economic expansion.\(^\text{19}\)

On October 7, 1971, President Nixon addressed the nation to explain the second phase of his economic policy—a voluntary freeze. It included a Pay Board to supplement the Cost of Living Council and a Price Commission that could set up a course of action for wage and price controls.\(^\text{20}\)

This new economic policy started to show its impact by the end of the year, however, the unemployment rate continued to be high—around 6 percent.

GNP expanded vigorously in the fourth quarter of the year, bringing the total to $1,065—billion—an increase of approximately 9.5 per cent over the 1971 total. About $60 billion of the increase was in actual gain or output. The remainder represented price increases. The cost

\[^\text{18}\] Ibid., 22.

\[^\text{19}\] Ibid., 22.

of living increase was 4.6 per cent for the year. It had begun to level off in July.\textsuperscript{21}

Nixon’s fight against inflation continued through 1972. His State of the Union speech indicated the determination of the government to bring prosperity home.

Industrial production, consumer spending, retail sales, personal income all have been rising. Total employment, real income are the highest in history. New home building starts this past year reached the highest level ever. Business and consumer confidence have both been rising. Interest rates are down. The rate of inflation is down. We can look with confidence to 1972 as the year when the back of inflation will be broken.\textsuperscript{22}

As indicated in the Annual Report of the Council of Economic Advisers in January 25, 1973, the GNP increased $102 billion from 1971 to 1972—a 9.7 percent change. The price rise for the year was 3 percent, the smallest since 1966. Investments strengthened and benefited from the incentives provided by the new economic policies that included “the liberalized depreciation regulations, the job development credit, and the excise tax cuts on motor vehicles.”\textsuperscript{23}

The housing sector also experienced growth. For instance, 2.4 million houses were built in 1972, compared to the projected 2.2 million houses by the Council of


Economic Advisers. This expansion could be explained by the credit condition improvement.

In the labor market, some progresses were made but not as much as expected. By December 1972, the unemployment rate was 5.1 percent, compared to 6 percent the previous year.24

Negative Effects on the Economy

After being re-elected for a second term, President Nixon changed his approach to the national economy. On January 11, 1973, he announced the third phase of his economic policy initiatives, which involved a new round of price increases and created the highest rate of inflation. He ended wage and price controls (except in food, health, and construction) and in a special message to Congress, asked the private sector for their voluntary cooperation and restraint. In addition, the president eliminated the Pay Board and Price Commission. This new commission, along with the Internal Revenue Service, was to monitor the wage and price performance.25 Later in the year, a 60-day wage and price freeze was imposed with restraints that were gradually removed—a process that was completed by 1974. The 1970 Economic Stabilization Act was extended through April 30, 1974 to stabilize the economy; and control prices, wages, and rent, in efforts to stop inflation from increasing.26

24 Ibid., 22-28.


In February 1973, the government announced a dollar devaluation of 10 percent. This significant measure was an effort to curtail trade agreements that negatively affected U.S. exports. This measure strengthened the dollar in the free market and favored the U.S. trade. 27

Early in 1973, the economy showed positive signs. Then, in the spring, difficulties appeared in the form of a slowdown of production due to a shortage of basic materials, decreased demand for automobiles, and a weak housing market, 28 factors that had severe effects on the economy as inventories grew and productions were cut. The housing market decreased from 2.4 million units in 1972 to 1.57 million in 1973. 29

Inflation festered: the consumer price index rose 8.8 per cent and the wholesale price index a disturbing 15.4 per cent for the year despite the freeze and subsequent slower decontrol, interest rates jumped; stock prices fell throughout most of the year unemployment started back up; and shortages developed. 30

Controlling inflation was an integral part of the economic policy, it manifested in all areas of the economy—from food to oil. The higher oil prices from the Organization of Petroleum Exporting Countries (OPEC) complicated the economic situation of the nation. Food prices increased by 20 percent and agricultural and industrial sectors were severely affected by the Oil Embargo. All sectors of the economy felt the impact of the

27 Ibid., 50-51.
29 Ibid., 52.
increased energy prices. For the year, the real GNP, which is a version of the GNP that has been adjusted to accommodate the effects of inflation, grew 5.5 percent. For the year, the real GNP grew 5.5 percent and unemployment fell to 4.9 percent.\footnote{Ibid.}

By 1974, the U.S. economy was challenged. In addition to inflation, the government had to confront high unemployment rates and the energy crisis. In his State of the Union Address in January 1974, Nixon recognized that inflation and recession had reached record levels.

> We are engaged in a long and hard fight against inflation. There have been, and there will be in the future, ups and downs in that fight. But if this Congress cooperates in our efforts to hold down the cost of government, we shall win our fight to hold down the cost of living for the American people.\footnote{Richard M. Nixon, State of the Union Address, January 30, 1974. http://millercenter.org/scripps/archive/speeches/detail/3887 (accessed October 27, 2010).}

President Nixon’s involvement in the Watergate scandal captured his attention, shifting his economic policies from monetary restraint, which cut domestic programs, to a more moderate position. With the exception of oil and natural gas price restrictions, government economic policies were inconsistent during the year, so wage and price controls were abolished.\footnote{Ibid., 51.}

Real Gross National Product fell at a 7.5 percent annual rate during the final quarter, ending the year 1.7 per cent below its 1973 level. Personal consumption fell sharply in the October–December quarter. Automobile sales collapsed due to 1975 model price increases, energy
problems and general uncertainty; and the industry began large-scale lay-offs of workers.34

During the first three quarters of 1974, the nation experienced one of its worst recessions since the Great Depression. The federal government was not able to establish a clear path to dig the country out of this downturn. The attention of Nixon and his administration was more preoccupied with the possibility of Nixon’s impeachment due to Watergate than the economy. So he was unable to put his full attention to the matter any longer. As a result, the CPI increased 12.2 percent in 1974; disposable income declined, even with wage and salary increases; and unemployment rose to 7.2 percent, leaving 6.6 million people out of jobs by the end of the year. In the first two quarters of the year, layoffs were a direct result of the oil crisis. Through the summer months, the continuing decline in housing construction affected employment. For example, the housing construction market dropped 27 percent—the highest decline since World War II. But by the end of the year, the unemployment of blue-collar workers and retail sales increased. The shortage of liquidity and the demand for corporate loans pushed the interest rates to 12 percent. There was a sharp decline in investment due in part to the lack of confidence and uncertainties reflected in consumer cutbacks and the reduction of purchases.35

The economy was still in dire straits. For example, in addition to the stagnation the economy was experiencing, also evident were high rates of inflation. This stagflation, which refers to stagnation and inflation at the same time, was difficult to deal with. After

34 Ibid.

Nixon’s resignation due to Watergate, President Gerald Ford moved forward with stimulating the economy and fighting inflation.

**Political Conditions of the 1970s**

In 1969, Republican Richard Nixon took office as President of the United States facing a Congress under the control of the Democratic Party. This opposition created numerous obstacles for Nixon’s goals, which were to:

- reform welfare
- control inflation
- initiate environmental protection
- improve health care
- increase collaboration between states and local government
- reform the federal government

In addition, Nixon inherited a difficult economic situation plagued by inflationary trends and the controversial Vietnam War.\(^{36}\)

In his inaugural address, Nixon invited the opposition to dialogue:

> In these difficult years, America has suffered from a fever of words; from inflated rhetoric that promises more than it can deliver; from angry rhetoric that fans discontents into hatreds; from bombastic rhetoric that postures instead of persuading.

> We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard as well as our voices.\(^{37}\)

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\(^{37}\)
Nixon’s presidency was characterized by tension with Congress, which led to the rejection of two Supreme Court nominees, Clement Haynsworth, Jr. and G. Harrold Carswell and a limited amount of approved legislation. The president faced opposition not only from the Senate and House, which was controlled by democrats at that time, but also by liberals from the Republican Party.  

A contentious issue of Nixon’s presidency was his relationship with the press. In February 1969, Nixon directed his White House Staff for Domestic Affairs, John Ehrlichman, to create a plan that projected a positive image of his office. As a strategy, the president’s office launched a series of letters to editors of important newspapers and calls to TV stations trying to create a positive image of the president.

Two primary purposes would be served by establishing such a procedure. First, it gives a lot of people who were very active in the campaign a continuing responsibility which they would enjoy having. Second, it gives us what Kennedy had in abundance—a constant representation in letters to the editor columns and a very proper influence on the television commentators.

Unfortunately, attempts to improve relationships with the press did not yield the results Nixon expected. In December 1969, *The New York Times*, summarized that by the end of Nixon’s first year in office, his administration had accomplished two initiatives:

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One is revenue-sharing with the states and cities, designed to increase their proportion of tax revenues as well as of operating responsibility for social programs.

The other is welfare reform, with its innovative income maintenance feature.

But the rest of Mr. Nixon’s approach to government seemed more nearly to look backward than ahead, at least to critics who believed the Administration was encouraging a slowdown in school integration and black voter registration in the South, playing for the political support of elements least favorable to social change, failing to extricate the nation speedily enough from the war, underestimating the racial and urban crises, and widening rather than closing the gaps between black and white, young and old.40

Since the beginning of Nixon’s administration, wiretapping was a part of the day-to-day operations—sometimes with the Justice Department’s approval, but also without. By 1972, the U.S. Supreme Court ruled electronic eavesdropping unconstitutional.41

In his 1970 State of the Union Address, Richard Nixon emphasized three important domestic goals:

1. to reform of the welfare system
2. to reform of the government institutions or New Federalism
3. to create greater opportunities for all Americans

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Goal #1—Welfare Reform

In 1969, Nixon’s administration proposed the *Family Assistance Plan*, which died in Congress, was approved by the House, and then rejected by the Senate. A partial reform of the welfare system was ratified by Congress when the *Food Stamp Act of 1964* was amended (P.L. 91-671) on January 11, 1971. This program allowed low-income families to receive food stamps as long as they registered for the program, agreed to employment if the opportunity arose, and received training.

Goal #2—Reorganization of Government Institutions

Shortly after his inauguration, President Nixon requested that Congress authorize the extension of the president’s authority (for two years) to reorganize the Executive Branch in a manner that facilitated Nixon fulfilling his responsibilities more efficiently; Congress approved the president’s request on March 27, 1969. After, Nixon created a commission to assist him with this reorganization—naming it the president’s Advisory

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44 Richard Nixon, Special Message to the Congress Requesting New Authority to Reorganize the Executive Branch, January 30, 1969.
45 *An Act: To Extend the Period Within Which the President may Transmit to the Congress Plans for Reorganization of Agencies of the Executive Branch of the Government*, P. L. 91–5, 91st Cong. 1st sess. 83 Stat. 6 (March 27, 1969).
Council on Executive Organization (PACEO). The main goal of the council was to advise the president in the efficient management of the Executive Branch.\footnote{Congress and the Nation Volume III 1969-1972, A Review of Government and Politics During Nixon’s First Term (Washington, DC: Congressional Quarterly Service, 1973), 961.}

The President submitted four reorganization plans to Congress. All were important, and the Congress agreed to all of them.

The four plans established an office of Telecommunications Policy in the Executive office of the President; an Office of Management and Budget (OMB) and a Domestic Council to replace the Bureau of the Budget in the Executive Office; an Environmental Protection Agency independent of the cabinet departments; and a National Oceanic and Atmospheric Agency in the Department of Commerce.

Congress also passed an administration bill converting the Post Office Department into a public corporation.\footnote{Ibid., 960.}

On February 27, 1970, \textit{The New York Time}, reported:


By March 2, 1970, Nixon decided to concentrate his efforts on issues that could have a major affect on his administration and potentially lead to his re-election. Nixon stated to his closest advisers that delegation of responsibilities to various governmental departments and the White House staff was necessary.
Nixon concentrated on and asked to be informed about matters relating to:

1. East-West relations
2. Eastern Europe—when it affected the highest level of East-West relations
3. Soviet Union
4. Communist China
5. Western Europe—when NATO was involved.

Nixon was personally interested in the following domestic policies:

1. economic matters affecting inflation or recession
2. crime
3. school integration
4. government reorganization—but only when his advice was necessary

**Goal #3—Opportunities for Americans**

Nixon promised greater opportunities for all Americans in his State of the Union Address on January 22, 1970.

We can fulfill the American dream only when each person has a fair chance to fulfill his own dreams. This means equal voting rights, equal employment opportunity, and new opportunities for expanded ownership. Because in order to be secure in their human rights, people need access to property rights.49

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The legal framework guaranteeing civil rights for all citizens had been established via the following three Acts, which Nixon had the task of carrying out:\(^50\)

- *Civil Rights Act of 1964*
- *Voting Rights Act of 1965*
- *Fair Housing Act of 1968*

However, on March 1, 1970, *The New York Times*, reported that the following message was contained in a memorandum from Pat Moynihan advising President Nixon on the subject of civil rights: “the time may have come when the issue of race could benefit from a period of ‘benign neglect.’ ”\(^51\) This article came shortly after the resignation of Leon Panetta, the director of civil rights in the Department of Health, Education, and Welfare. *The New York Times* also stated that Panetta’s resignation was due to the slow movement and progress in school desegregation as a result of political pressure.\(^52\)

**Minority Employment**

The 1960s provided social and economic opportunities for African Americans—a period of economic growth and social change. Conversely, in the 1970s, the economic conditions were not as favorable. Overall, for the year 1970, the jobless rate for African

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Americans was twice that of Caucasians for the year—8.2 percent versus 4.5 percent.53

Discontent among the African American community grew, despite government’s efforts to improve minority employment:

The Philadelphia Plan requires bidders on federally assisted projects costing more than $500,000 to work toward specific hiring goals to improve minority employment in several craft unions.54

According to The New York Times, an anonymous African American official said the lack of trust amongst African Americans was due to:

The watered-down voting rights bill; efforts to delay school desegregation; the so-called ‘Southern strategy’; anti-crime action, particularly preventive detention, and the feeling that the Administration is going to scuttle anti-poverty efforts.55

School Desegregation

On March 24, 1970, President Nixon addressed the nation concerning desegregation of elementary and secondary schools. He acknowledged that most African American schools offered an inferior education. Nixon saw the role of his administration as one that provided a free and open society where open choices and the possibility to move upward were available to all citizens.

As we strive to make our schools places of equal educational opportunity, we should keep our eye fixed on this goal: to achieve a set of conditions in which neither the laws nor the institutions supported by law any longer draw an invidious distinction based on race; and going one step


55 Ibid.
further, we must seek to repair the human damage wrought by past segregation. We must give the minority child that equal place at the starting line that his parents were denied—and the pride, the dignity, the self-respect, that are the birthright of a free American.\(^\text{56}\)

In 1970, school desegregation was approved with the initiation of Public Law 91-230.\(^\text{57}\) Nixon supported desegregation, but at the same time did not favor busing. In other words, he did not want to see federal enforcement of the law but believed that local leaders and school officials should implement the Supreme Court order.\(^\text{58}\)

The first decision issued by the court after the new Chief Justice, Warren E. Burger, took his seat turned aside an administration request for further delay in school desegregation. And in the spring of 1971, the court directly rejected the administration’s anti-busing stance to hold that busing was in some cases indeed a permissible tool for desegregating schools.\(^\text{59}\)

**Voting Rights**

As previously stated, another civil rights issue Nixon’s administration confronted was the *Voting Rights Act of 1965*. Lowering the voting age to 18 and eliminating testing proved to be a challenging task. The Supreme Court heard the arguments against the *Voting Rights Act of 1965* (PL 91-285), and considered the 18 year-old requirement

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After intense negotiations, PL 91-285 was passed on June 22, 1970, extending the Voting Rights Act. Nixon signed the Voting Rights Act, although he believed the extension was unconstitutional and crossed the boundaries established in the Constitution.

**Fair Housing**

The *Fair Housing Act of 1968* provided the legal framework to provide open housing practices and stop racial discrimination in the sale or rental of housing. On June 1971, Nixon issued a statement regarding equal housing opportunity, explaining his views:

Based on a careful review of the legislative history of the 1964 and 1968 Civil Rights Acts, and also of the program context within which the law has developed, I interpret the “affirmative action” mandate of the 1968 act to mean that the administrator of a housing program should include, among the various criteria by which applications for assistance are judged, the extent to which a proposed project, or the overall development plan of which it is a part, will in fact open up new, nonsegregated housing opportunities that will contribute to decreasing the effects of past housing discrimination. This does not mean that no federally assisted low- and moderate-income housing may be built within areas of minority concentration. It does not mean that housing officials in Federal agencies should dictate local land use policies. It does mean that in choosing among

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60 Ibid., 498.


the various applications for Federal aid, consideration should be given to their impact on patterns of racial concentration.\(^6^4\)

Moreover, President Nixon insisted that his administration not force integration in any community.

During Nixon’s administration, the scope of the Civil Rights Movement broadened to include women, language minorities, and Native Americans’ rights. Almost a year after Nixon’s statement regarding equal housing opportunities, the Equal Rights Amendment—a constitutional amendment that provided equal rights regardless of sex—was approved by the Senate and the House on March 22, 1972.\(^6^5\) Two days later, the president signed into law the *Equal Employment Opportunity Act* of 1972, PL 92-261 on March 24, 1972. The goal of this law was to provide enforcement capacity to the Equal Employment Opportunity Commission and the Justice Department to settle employment discrimination practices in court.\(^6^6\) On December 30, 1969, Nixon created a cabinet committee that advised the federal government on issues related specifically to Spanish-speaking people and Spanish-surnamed Americans (PL 91-181).\(^6^7\) In a special message to Congress on July 8, 1970, Richard Nixon acknowledged Native Americans when he


pointed out that the time had come to change Native American policies from integration to self-determination, which would allow tribal governments to make decisions about Native American policies.68 The Native Americans across the nation protested the unfulfilled promises by the government and fought for cultural renewal, economic development, and self-determination.69

The 1972 presidential election gave Nixon one of the highest electoral votes in the history of the United States. This can be attributed to Nixon’s ability of carrying eleven southern states and all the border states; and his abilities to make great strides with the Catholic communities, blue-collar workers, and unemployed voters. This landslide, however, did not give the Republican Party control of Congress. The new Congress had thirteen new members: eight Democrats and five Republicans.70

Despite the victory, investigations were on their way regarding espionage of the Democratic Party national headquarters in the Watergate office building in Washington, DC. A burglary was reported on June 17, 1972, with possible links to Democratic Party presidential candidate, Hubert Humphrey. Intruders had prepared to bug the office, which was evidenced by men wearing surgical gloves, whom had removed ceiling panels from


conversations, including telephone conversations. File cabinet drawers were opened and
documents were ready to be photographed as well. The break-in became a point of
discontent for the president, with the incident revealing unreported campaign funds and a
plot against the Democrats. Before long, a compromise of the first amendment and the
guaranteed freedom of press permeated the day-to-day operations of the federal
government, which led to the 1972 Watergate scandal. Vice President Spiro Agnew
resigned in 1973, the second vice president to do so in U.S. history (John Caldwell
Calhoun was the first). Gerald Ford was named as Agnew’s successor. Agnew faced
criminal charges from allegations of conspiracy, extortion, and bribery. He admitted to
tax evasion, avoiding a bigger sentence due to his plea-bargaining. During the course of
the Agnew investigation, it was revealed that these well-organized operations led to
Nixon’s involvement. Nixon finally admitted his participation and resigned. This meant
that Ford now became the 38th President of the United States. Within a month of his
presidency, Ford granted a pardon to Nixon, on September 8, 1974. Many believed this
pardon was a secret negotiation made before Gerald Ford was named vice-president,
which Ford denied. Unfortunately, the honeymoon period President Ford’s had been

71 Alfred E. Lewis, “5 Held in Plot to Bug Democrats’ Office Here,” The Washington Post, June


74 Ibid., 7.

http://www.presidency.ucsb.edu/ws/index.php?pid=4696&st=&st1=#axzz1KGqmX4Qr (accessed April 22,
2011).
enjoying came to a screeching halt, even though he tried convincing Americans that the pardon was necessary for the Nation’s tranquility.\textsuperscript{76}

**Social Conditions of the 1970s**

The 1970s offered a cultural, political, and social contrast to the 1960s. Dire economic situations, Vietnam War protests, issues of racial inequality, the women’s rights movement, and changes in the liberal ideology all affected the climate then. As predicted by Swedish economist and sociologist, Dr. Gunnar Myrdal, the lack of prosperity in the United States economy deterred the support of a liberal agenda that promoted racial equality.\textsuperscript{77}

The economic difficulties had a direct effect on economic policies, the Civil Rights Movement, the business sector, interest groups, and families.

To stimulate the housing market and families’ living conditions, while trying to control inflation, the economic policies focused on lowering the interest rates—but concern for unemployment continued. And although the Civil Rights Movement momentum gained from the Johnson administration was no longer present, the movement opened its scope to include women, Spanish-speaking people, Native Americans, and youth. Expansion experienced by the business sector was moderate, considering the limited monetary credit availability. Interest groups that had aligned with the Democratic Party in the past, now reorganized and actively engaged in lobbying. The most notorious


lobbyist activities were in the anti-Vietnam War efforts, labor unions, business, and the environment. For families, the divorce rate increased more than double between 1970 and 1981—from 47 to 109 for each 1,000 married couples. A divorced woman’s loss of income eventually produced economic hardship. According to the 1970 Census, there were 51.5 million families in the United States. Of these, 45.6 million families were headed by males and 5.5 million families were headed by females. From the 51.1 million total number of U.S. families in 1970, the income for 5.5 million families were below poverty level. Of these 5.5 million families living in poverty, 3.6 million were headed by males and 1.8 million were headed by females. For African American families, 30 percent were living in poverty—a stark contrast to the 8.6 percent of Caucasian families. In 1978, 36 percent of all low-income families were headed by women.

In addition, the unyielding economy affected the family structure as more females joined the workforce because male earnings were not sufficient to maintain the household. According to The New York Times, the differences between the typical American family during this time and the typical American family of the 50s was that the

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70s family was older, was smaller, received more income, was more educated, and was more than likely living in the suburbs.\textsuperscript{82}

**The Vietnam War**

The Vietnam War was proving to be a very costly war during this time—in lives lost as well as financially. There were 45,929 casualties in this Southeast Asia conflict—in addition to 589 prisoners of war and missing persons. The financial cost was close to $138.9 billion, but many considered the long-term cost to be nearer to $200 billion dollars.\textsuperscript{83}

The U.S. Statistical Abstract, however, placed the final government cost at $352-billion, and private economists double or triple this amount. Taking the highest estimates, it has been calculated that the United States could have paid off the mortgage on every home in the nation and had money left over had there been no Vietnam War.\textsuperscript{84}

President Nixon understood the high political stakes of the war. He saw what his predecessor had experienced regarding the opposition Johnson encountered in Congress due to the bombing of North Vietnam. Turmoil within the Democratic Party relating to the opposition to the Vietnam War contributed to Johnson’s decision not to run for a second term.


\textsuperscript{83} Ibid., 935-936.

By 1968, it was clear there would be no American victory. Many Americans disapproved of continuing the Vietnam War—so much so that constant rallies and protest to stop the Vietnam War occurred. On October 15, 1969, the Vietnam Moratorium occurred and believed to have been one of the largest antiwar demonstrations in the U.S., with millions of Americans peacefully protesting with street rallies, vigils, religious services, meetings, and other activities. Supporters wore black armbands to signify their dissent and pay tribute to the Americans killed in the war since 1961. The focal point of the Vietnam Moratorium was Washington DC, where more than 40 different activities were planned and 250,000 demonstrators gathered to make their voices heard. This day was observed by individuals from diverse socioeconomic and cultural backgrounds of all ages.

The antiwar movement manifested throughout the country’s cities and college campuses with protests permeating all forms of life. Televised acts of violence were part of everyday life. On hundreds of college campuses, students planted crosses and did silent candlelight marches to honor the almost 40,000 dead Americans.

Almost seven months after Vietnam Moratorium Day, Kent State University students protested against the war on its campus in Ohio. Four students were killed as the

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National Guard tried breaking up these protests with tear gas.\textsuperscript{88} Four days afterward, President Nixon’s news conference on May 8th, 1970 recognized that those whom protested just wanted peace, justifying his decision to send troops into Cambodia, believing it would lead to peace.\textsuperscript{89}

In response to the mining of the North Vietnamese ports, antiwar protests occurred from more than 100 college campuses. For example, at the University of New Mexico, two students were shot; and in Madison, Wisconsin, more than 8,000 students marched.\textsuperscript{90} Public and Congress’ frustrations with the war and its outcome led to the passage of the \textit{War Powers Resolution} (Public Law 93-148), which occurred despite President’s Nixon veto. This federal law intended to control the president’s decision to commit the country into an armed conflict before Congress approval.\textsuperscript{91}

Nixon promised a reduction in troops as the peace talks continued. The antiwar sentiments amplified when the war escalated after incursions in Cambodia in April 1970, Laos in February 1971, and the bombing and mining of North Vietnam in April and May of 1972.\textsuperscript{92} The Chinese support of North Vietnam presented a risk to the United States.


Nixon decided to interfere with the supplies provided to North Vietnam, as a tool to restrain their offense attacks to South Vietnam. The ports mining plan put a stop to all shipping. After major losses on both sides, peace talks resumed in Paris. The final signing of the peace negotiation occurred on January 27, 1973, which finally put an end to the war. The terms of the peace negotiation, known as the Paris Peace Accords, called for a complete ceasefire in South Vietnam, the release of captured U.S. prisoners of war, and for both sides to find a political solution to the conflict.

The Paris Peace Accords ending the conflict was signed on January 27, 1973 and was followed by a withdrawal of the remaining American troops.

**Civil Rights**

During this time, the Civil Rights Movement had achieved some successes as a result of school desegregation, voting rights, and equal employment opportunities. It was recognized that the social climate during this time was not the same as in the 1960s. For instance, a characteristic of the 60s was the liberal movement in pursuit of social justice. By the 1970s, things had changed. On December 11, 1972, at the Civil Rights Symposium in Austin, Texas, retired Chief Justice, Earl Warren, reiterated that laws needed enforcement and if that was not the case, society disorder would ensue. At the same conference, civil rights leader, Roy Wilkins, believed that Nixon was deliberately

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93 Ibid., 899-900.


debilitating the Civil Rights Movements’ gains that had transpired during the last two decades.\textsuperscript{96} For instance, during the Johnson administration, major legislation for civil rights passed through Congress, but there was a lack of \textit{new} civil rights legislation. Even though there had been progresses made, the need for new leadership implementation remained.

Many of the targets were achieved—with more or less success—but the major walls were much too sturdy and the frustration raged through the major cities of the country at the ends of the decade.

The ‘60s gave us some real and measurable progress and they also stripped us of a number of illusions about how complex the remaining problems are and how deep and widespread racism in this country really is. The movement enters the middle ‘70s with a broad range of the most sophisticated and complex problems this country has ever faced squarely in its path and with the deck stacked largely against it.\textsuperscript{97}

In the early 70s, the economic recession produced a change in attitudes among the liberals, with less support for social equality and a redistribution of wealth. African American’s violent acts and outward rage over social unjust caused Caucasians to depart from the cities to the suburbs. This left big cities such as Atlanta, Houston, and New York City deserted, thereby creating segregated poverty centers. Caucasian families benefitted from government loan programs that allowed them to purchase homes in the suburbs. These families, whom lived in segregated neighborhoods, were strong antibusing advocates—even though these Caucasian families had benefitted from


federally subsidized programs that facilitated them achieving their “American Dream” of purchasing a home. They were the silent majority that opposed government social engineering.

This “white” backlash toward civil rights indicated the Caucasians’ reluctance to press forward for racial equalities during times of economic difficulties. Nevertheless, gains made by African Americans were not lost. The need to transform legal gains into economic improvement and political power continued.

Furthermore, under the influence of the Nixon Administration, white Americans’ tolerance of the experimental social action of the sixties’ has apparently given way to laissez faire attitude that is, to many black Americans, a kind of spiritual disenfranchisement.

On March 1, 1970, The New York Times published a memorandum that Daniel Patrick Moynihan, counselor to the president, sent to Nixon. It read:

The time may have come when the issue of race could benefit from a period of “benign neglect.” The subject has been too much talked about. The forum has been too much taken over to hysterics, paranoids and boodlers on all sides. We may need a period in which Negro progress continues and racial rhetoric fades. The Administration can help bring this about by paying close attention to such progress—as we are doing—while seeking to avoid situations in which extremists of either race are given opportunities for martyrdom, heroic, histrionics or whatever. Greater attention to Indians, Mexican-Americans and Puerto Ricans would be useful.

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Moynihan commented that there was a need to ignore the provocation of extremist groups, such as the *Black Panther Party*—a progressive and powerful political organization that stood for social change in America—and pay attention to crime control as it was promised during the campaign.

Regardless of the Nixon administration’s attitude of ignoring the undesirable situations they were responsible for dealing with, the 1970s did not bring to an end the progress that racial minorities experienced after major civil rights legislation was approved in the 1960s. Nevertheless, the income gap remained between Caucasians, African Americans, and other minority groups.\(^{101}\) The War on Poverty during the Johnson years was substituted for the “War on Crime” during the Nixon years. Johnson related poverty with crime and social and economic problems; Nixon believed crime was a law enforcement issue.\(^{102}\)

According to Nixon’s Chief of Staff of four and a half years, Harry Robbins Haldeman (publicly known as H. R. Haldeman), revealed that the president said,

> The huge social programs have been tried. They don’t work. People don’t want more on welfare. They don’t want to help the working poor, and our mood has to be harder on this, not softer.\(^{103}\)


Altogether, the Civil Rights Movement during Nixon’s administration shifted its focus into a more subdued role. The school antibusing campaign gained momentum and support during this period. For many, the courts went too far imposing busing of children outside their neighborhood. Nevertheless, the Supreme Court held its ground and indicated that sometimes, busing was necessary for desegregation. The Voting Rights Act of 1965\textsuperscript{104} got a five-year extension, lowering the voting age to 18, and as of August 1970, eliminated testing requirements.\textsuperscript{105}

Another civil rights landmark that passed during the Johnson administration was Title VII of the 1964 Civil Rights Act. The Equal Employment Opportunity Commission was created to keep an eye on employment discrimination, although this agency did not have any enforcement capabilities to carry out its task. The “white” liberal support that had previously existed was no longer in place now, so the Nixon administration considered that the U.S. court system was the proper channel to solve any civil rights conflicts.\textsuperscript{106}

\textbf{Women’s Rights}

The Civil Rights Movement weakened in the 1970s, opening the door for other minorities such as women, people with disabilities, and gays and lesbians to advance their cause while fighting for equal rights.

\textsuperscript{104} An Act: To Enforce the Fifteenth Amendment to the Constitution of the United States, and for Other Purposes, P.L 89–110, 89th Cong, 1st sess. 79 Stat 437 (August 6, 1965).


\textsuperscript{106} Ibid., 497.
The women’s Civil Rights Movement was not a national organization, although one of the biggest supporters of feminine rights was NOW, the National Organization for Women founded in 1966. The NOW was and still is the largest feminist organization in the United States. Although all groups challenged the status quo of women in society, various groups had different objectives. For instance, some groups protested because women were seen as sex objects (sex discrimination); some groups looked for equality in the care and rearing of children; and still other groups wanted equal pay for equal jobs, as well as opportunities in the workplace. According to Marlene Sanders, a reporter for ABC News, the liberation movement was not looking for women to be the same as men, but for opportunities for women to be able to choose their career path and life styles. 107

According to the 1970 Census, 77 million people were employed, with 29 million of these being women, accounting for 38 percent of the total labor force. The women’s struggle for equality in the workplace proved to be an essential component of economic independence. 108

To jumpstart minority representation in the workplace, the Nixon administration implemented a plan to provide jobs to minorities on federal construction projects. The plan required contractors to have a quota of minority workers. Initially, the plan started in Philadelphia (and known as the Philadelphia Plan), but eventually extended to other cities. This Affirmative Action initiative created a quota system opposed by trade unions—whom thought that Affirmative Action was a tactic used by the government


against them. According to Labor Secretary George Schultz, this was “a major breakthrough in the fight for equality of opportunity in employment.”

Title 7 of the Civil Rights Act of 1964 and the subsequent state and municipal laws added sex discrimination to the ban against race bias in employment. Revised Order 4, and interpretive guideline for an executive order, put sharp molars into the law when it became effective last April, requiring companies doing business with the Government to initiate affirmative action programs for the hiring and advancement of women in their work forces.

This precedent was later expanded for the cause of women’s rights.

By 1970, 67.1 percent of the female population was eligible to vote (meaning they were eighteen years of age and older), as compared to 63.9 percent of the male population. As women entered the political arena, they organized to elect more women to public office and obtained political representation in public office and party affairs. The women’s rights movement was able to obtain the approval and enactment of laws that prohibited sex discrimination, thereby giving women access into the American mainstream institutions, for instance, the 91st Congress (1969-1971), which employed eleven women; and the 92nd Congress (1971-1973), which employed fifteen.

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Another right granted to women came as a result of the Supreme Court decision
_Roe v. Wade_ (410 U. S. 113) on January 22, 1973—an important landmark case. It was
decided by a 7 to 2 vote that women had a right to abortion.

The right to privacy, grounded in the Fourteenth Amendment’s due
process guarantee of personal liberty, encompasses and protects a
woman’s decision whether or not to bear a child. This right is
impermissibly abridged by state laws which make abortion a crime, except
when performed to save the life of the mother.113

The _Women’s Educational Equity Act of 1974_, today known as _Title IX_, opened
opportunities for women by trying to equal the playing field. This Act recognized that
existing educational programs for women limited women’s participation. “It is the
purpose of this section to provide educational equity for women in the United States.”114

**Individuals with Disabilities Rights**

Along with African Americans and women, people with disabilities engaged in a
Civil Rights Movement of their own, looking for full participation in the American way
of life. On September 26, 1973, Congress passed Public Law 93-112, _Rehabilitation Act
of 1973_. The purpose of this law was to extend the federal government’s commitment
toward handicapped individuals by prohibiting discrimination based on an individual’s
disability in programs conducted by federal agencies, in programs receiving federal
financial assistance, in federal employment, and in the employment practices of
contractors. Specifically, Section 504 of this Act states that a disability could not exclude

113 Ibid., 635.

114 Women’s Educational Equity Act of 1974, Public Law 93-380, 93 Cong. 2nd sess. 88 Stat. 554
(Aug. 21, 1974).
opportunities for children and adults with disabilities in education, employment, and various other settings.\textsuperscript{115}

The Department of Health, Education and Welfare estimates that it will cost $2.4 billion a year to end discrimination in these programs. Most of the money is to be spent by already hard-pressed education, testing and evaluation for all disabled children.

That cost is balanced by an estimated $2.1 billion increase in wages and services that must go to the handicapped as a result of banning discriminatory practices, according to the department’s statement on the economic impact of the regulations.\textsuperscript{116}

The responsibility of implementing this Act fell to the Department of Health, Education, and Welfare of the federal government. Not until June 1, 1977 did the actual Act take effect. The implementation of this law was the responsibility of the Department of Health, Education, and Welfare, whom did not sign the draft, but instead, passed the responsibility on to the new administration. The new administration requested time to study the regulations, which had an expensive tag, and eventually signed off on the regulations two days before the deadline. Before the official signing of these regulations, disabled persons across the country demonstrated their disappointment regarding this lack

\textsuperscript{115} Act: To Replace the Vocational Rehabilitation Act, to extend and revise the authorization of grants to States for vocational rehabilitation services with special emphasis on services to those with the most severe handicaps, to expand special Federal responsibilities and research and training programs with respect to handicapped individuals, to establish special responsibilities in the Secretary of Health, Education, and Welfare for coordination of all programs with respect to handicapped individuals within the Department of Health, Education, and Welfare, and for other purposes, Public Law 93-112, 93 Cong. 1\textsuperscript{st} sess. 87 Sts. 355 (September 26, 1973). http://www.heinonline.org/flagship.luc.edu/HOL/Page?handle=hein.statute/sal087&id=1&size=2&collection=ssl&index=statute/sal (accessed May 17, 2011).

\textsuperscript{116} Nancy Hicks, “Equity for Disabled Likely to Be Costly,” The New York Times, May 1, 1977, p. 29.
of implementation of Section 504 of the Rehabilitation Act of 1973 by protesting around the country, sitting-in, and suing for discrimination.117

**Gay and Lesbian Rights**

During this same time, the gay and lesbian community fought for equal rights by using the legal framework already in place based on the Civil Rights Movement. The movement relied heavily on the courts and legislative channels, and used social science for their plight of equal treatment and recognition. On June 27, 1969, police raided the Stonewall Inn—a gay and lesbian bar in the middle of Greenwich Village in New York City—attempting to control raids that continued for days.118 The crowd denounced police harassment of homosexuals.119 According to an article in, *The New York Times*, the crowds’ reactions to these police raids was the starting point for the gay and lesbians rights movement. Protests were organized not only in New York City, but also in Chicago and Los Angeles, with protestors marching and singing “We Shall Overcome,” the quintessential anthem sung during the Civil Rights Movement.120

Validating the cause even further, in December 1973, the American Psychiatric Association stated that homosexuality is not a disease but a sexual preference or behavior. According to, *The New York Times*:

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Last weekend, the Board of Trustees of the American Psychiatric Association approved a change in its official manual of psychiatric disorders. “Homosexuality per se,” the trustees voted, should no longer be considered a “psychiatric disorder”; it should be defined instead as a “sexual orientation disturbance.”\textsuperscript{121}

Even though the social attitude toward homosexuality was changing, gays and lesbians were still being discriminated against at work, in the housing market, and during public activities.\textsuperscript{122}

The social conditions of the 1970s, coupled with the Vietnam War, widened opportunities for women, people with disabilities, gays and lesbians, and other racial minorities to participate in long-lasting civil rights changes.

\textbf{Educational Conditions of the 1970s}

Richard Nixon did not place civil rights as a top priority; issues of school desegregation claimed his attention throughout most of his term in office.

The most explosive of the civil rights issues during my presidency were the questions of school desegregation and busing. Fifteen years had passed since the Supreme Court handed down its landmark decision that laws requiring segregated schools were unconstitutional in \textit{Brown v. Board of Education}. After the Brown decision, segregation by law—\textit{de jure} segregation—was illegal as well as wrong; where it could be proved to exist, the law could be used to stop it. It was more difficult to deal with the problem of unequal education for black and white students because of segregation which existed, not as a result of conscious discrimination by law, but as the natural outgrowth of economic and social patterns within individual communities and neighborhoods—\textit{de facto} segregation.\textsuperscript{123}


\textsuperscript{123} Nixon, 439.
On October 29, 1969, the Supreme Court unanimously voted in favor of immediate desegregation of public schools.

Continued operation of racially segregated schools under the standard of “all deliberate speed” is no longer constitutionally permissible. School districts must immediately terminate dual school systems based on race and operate only unitary school systems. 124

In some of the southern regions of the states, the court ruling produced reactions concerning statements from governors and public officials. For instance:

- Mississippi Governor, John Bell Williams, stated, “the schoolchildren of our states have been cruelly offered as sacrificial lambs on the altar of social experimentation” 125
- Georgia Governor, Lester Maddox, considered the court decision a crime
- Alabama Governor, Albert Brewer, and Representative, Jack Edwards, saw the court decision as a push for the creation of more private schools and a possible dropout increase of Caucasian students who could not pay tuition, so remained in the public system 126

President Nixon’s office made a statement reassuring its support to enforce the court’s mandate, and to stop the flexible approach taken toward school desegregation.


126 Ibid.
Thus, although the details were hazy, it was apparent that the Nixon Administration had abandoned the flexible desegregation policy that many observers had seen as the cornerstone of a “Southern strategy” to win political friends in Dixie.\(^\text{127}\)

On August 3, 1971, President Nixon issued a statement indicating his position on the busing of schoolchildren.

The Attorney General advises me that he must appeal the district court’s decision that the school board’s plan to bus children periodically for interracial experiences eliminates the dual school system, because that decision is inconsistent with recent rulings of the United States Supreme Court. The Justice Department is not appealing to impose the H. E. W. plan. In the process of the appeal the Justice Department will disavow that plan on behalf of the Government.

I would also like to restate my position as it relates to busing. I am against busing as that term is commonly used in school desegregation cases. I have consistently opposed the busing of our nation’s schoolchildren to achieve a racial balance, and I am opposed to the busing of children simply for the sake of busing. Further, while the executive branch will continue to enforce the orders of the Court, including court-ordered busing, I have instructed the Attorney General and the Secretary of Health, Education and Welfare that they are to work with individual school districts to hold busing to the minimum required by law.

Finally, I have today instructed the Secretary of Health, Education and Welfare to draft and submit to Congress an amendment to the proposed Emergency School Assistance Act that will expressly prohibit expenditure of any of those funds for busing.\(^\text{128}\)

Two days after Nixon’s statement, *The New York Times*, ran an editorial page criticizing Nixon’s position on busing and the contradiction he created by ordering his Department of Health, Education, and Welfare to desegregate schools:


Mr. Nixon has asked the Justice Department to appeal the ruling of a Federal judge upholding the Austin school board’s plan to leave black and Mexican-American children in essentially segregated schools but to let them take part in integrated cultural experiences during one week in every month. The Plan, Mr. Nixon conceded, does not comply with earlier Supreme Court rulings against dual school systems. It might be added that it is also a disruptive scheme educationally.129

In August 1975, James Coleman, Sara Kelly, and John Moore, published “Trends in School Segregation, 1968-73.”130 In the report, they concluded that the rising difficulty of segregation resided between big cities and suburbs, and now the schools’ desegregation implementation policies were exacerbating the existing conflict. So, central cities becoming predominantly African American, and the suburbs became predominately Caucasian, due to residential segregation.

The report also reiterated the common belief that the cause of the “White flight to the suburbs” was produced by the court ordered school desegregation. Coleman opposed court ordered busing, believing that the courts could control de jure segregation (by law) but not de facto segregation (caused by housing patterns).131

The President, responding to strong anti-busing sentiment throughout the country, had proposed (1) a moratorium be established on new, court-ordered busing orders until July 1, 1973, or until Congress legislated limits on busing, whichever came first, and (2) that busing be

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made a last-resort and strictly limited means of achieving school desegregation.¹³²

Among the Caucasian population, opposition to a federal mandate to create student diversity in public schools was prevalent, which created a White flight as many Caucasians moved from large cities to the suburbs.

The Supreme Court discarded Nixon’s position and insisted that busing children was a necessary step for desegregating schools.¹³³

The Civil Rights Movement, which began in the 1960s, opened opportunities for other minorities to claim their rights. The women’s rights movement aimed to end discrimination due to gender. A major success was the amendment of the Higher Education Act of 1965. Title IX of this act prohibited sex discrimination in any educational activity, private or public, federally funded.¹³⁴ The law was intended to strengthen the educational resources of our colleges and universities, and to provide financial assistance for students in postsecondary and higher education. It increased federal money given to universities, created scholarships, and gave low-interest loans for


¹³³ Ibid., 494.

students. Regulations for the implementation of this law was approved by President Ford on May 27, 1975, and publicized by the Department of Health, Education, and Welfare on June 3.

After intense lobbying and arguments in the House, the regulations were approved, affecting 16,000 school districts and 2,700 colleges and universities that received federal assistance.

Another group that had their rights validated during this period were people with disabilities. Public Law 93-112 (the Rehabilitation Act of 1973) was approved on September 26, 1973. Each federal agency had a Section 504 that provided opportunities for education, employment, and other accommodations for handicapped people.

No otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

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138 An Act: To replace the Vocational Rehabilitation Act, to extend and revise the authorization of grants to States for vocational rehabilitation services with special emphasis on services to those with the most severe handicaps, to expand special Federal responsibilities and research and training programs with respect to handicapped individuals, to establish special responsibilities in the Secretary of Health, Education, and Welfare for coordination of all programs with respect to handicapped individuals within the Department of Health, Education, and Welfare, and for other purposes. Public Law 93-112, 93 Cong. 1st sess. 87 Stat. 355 (September 26, 1973). http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein.statute/sal087&id=1&size=2&collection=ssl&index=statute/sal (accessed May 17, 2011).
Later in 1975, President Ford signed Public Law 94-142, which provided better access to education to all children with disabilities.\textsuperscript{139} Congress supported education for handicapped children and gave states the responsibility of carrying out this task.

Moreover, non-English speaking students’ needs were addressed via a memorandum issued by the Office for Civil Rights on May 25, 1970. According to \textit{Title VI} of the \textit{Civil Rights Act of 1964},

\begin{quote}
No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.\textsuperscript{140}
\end{quote}

The memorandum stated,

\begin{quote}
The purpose of this memorandum is to clarify D/HEW policy on issues concerning the responsibility of school districts to provide equal educational opportunity to national origin minority group children deficient in English language skills. The following are some of the major areas of concern that relate to compliance with Title VI:

1. Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

2. School districts must not assign national origin minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin-minority group children access to college preparatory courses
\end{quote}

\textsuperscript{139} An Act: To Amend the \textit{Education of the Handicapped Act} to provide educational assistance to all handicapped children, and for other purposes. Public Law 94-142, 94\textsuperscript{th} Cong. 89 Stat. 773 (November 29, 1975).


\textsuperscript{140} An Act: To enforce the fifteenth amendment to the Constitution of the United States, and for other purposes. Public Law 89-110, 89\textsuperscript{th} Cong. 1\textsuperscript{st} sess. 79 Stat. 437 (August 6, 1965).

on a basis directly related to the failure of the school system to inculcate English language skills.

3. Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

4. School districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.141

This message greatly influenced decisions regarding the educational opportunities of English language learners in federally funded school systems. The memo gained importance due to the U. S. Supreme Court’s recognition of it, particularly in the landmark case Lau v. Nichols in 1974, which is discussed next.

Lau v. Nichols

The Chinese community attempted to negotiate with the San Francisco Board of Education long before the federal order to unify the school system. Parents of non-English speaking children requested additional services from the school district to meet the special language needs of the students. In 1970, during a fact-finding investigation, the Federal District Court found 2,856 Chinese-speaking students that did not speak English. Of those, 63 percent (or 1790) did not receive assistance with their limited English skills during the school day. A total 1066 students were assisted: 633 students in part-time programs; 433 students in full time programs. Only 260 of the 1,066 students receiving assistance were taught by bilingual teachers. Unfortunately, the District Court

was in accord with the school district. While recognizing the special language needs to the non-English speaking students, the court stated that those needs were not equivalent to legal rights. The schools agreed to provide bilingual programs for the children whenever possible, but did not commit to provide the services when personnel were not available.  

The parents of the Chinese-speaking students appealed the case in the U.S. Court of Appeals for the Ninth Circuit. On January 8, 1973, in a 2 to 1 decision, a three-judge panel of the Court of Appeals denied the Chinese-speaking students’ parents their complaints they had filed on behalf of their limited English-speaking children. The court indicated that the deficiencies suffered by the students were not caused by the school district.”

As herein before stated, the district court denied appellants all relief, and found for appellees on the merits. The court expressed well-founded sympathy for the plight of the students represented in this action, but concluded that their rights to an education and to equal educational opportunities had been satisfied, in that they received “the same education made available on the same terms and conditions to the other tens of thousands of students in the San Francisco Unified School District …” Appellees had no duty to rectify appellants’ special deficiencies, as long as they provided these students with access to the same educational system made available to all other students.  

Furthermore, Circuit Court Judge Trask, stated:

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Because we find that the language deficiency suffered by appellants was not caused directly or indirectly by any State action, we agree with the judgment of the district court and distinguish this case from Brown v. Board of Education, 347 U.S. 483m 74 S. Ct. 686, 98 L. Ed. 873 (1954), and its progeny of de jure cases. Under the facts of this case, appellees responsibility to appellants under the Equal Protection Clause extends no further than to provide them with the same facilities, textbooks, teachers and curriculum as is provided to other children in the district. There is no evidence that this duty has not been discharged.\footnote{144}

In addition, the court made it clear that the school district was not discriminating against the students.

As long as there is no discrimination by race or national origin, as has neither been alleged nor shown by appellants with respect to this issue, the States should be free to set their educational policies, including special programs to meet special needs, with limited judicial intervention to decide among competing demands upon the resources at their commands, subject only to the requirement that their classifications be rationally related to the purposes for which they are created.\footnote{145}

Circuit Court Judge, Hufstedler, dissented from denial of hearing:

I dissent from the rejection of en banc consideration. The case presents unusually sensitive and important constitutional issues. The majority opinion states principles of statutory and constitutional law that cannot be reconciled with controlling authority. Unless these principles are corrected now, the protections of the Civil Rights Act will be seriously impaired in this Circuit.

The state does not cause children to start school speaking only Chinese. Neither does a state cause children to have black skin rather than white nor cause a person charged with a crime to be indigent rather than rich. State action depends upon state responses to differences otherwise created.\footnote{146}

\begin{footnotes}
\footnote{144} Ibid.
\footnote{145} Ibid.
\footnote{146} Ibid.
\end{footnotes}
Judge Hufstedler maintained that educational opportunities were not being granted to the limited English-speaking students since they were not able to comprehend instruction delivered to English-speaking students. Hufstedler conceded that the situation was discriminatory:

These Chinese children are not separated from their English-speaking classmates by state-erected walls of brick and mortar (Cf. Brown v. Board of Education (1954) 347 U.S. 483, 98 L. Ed. 873, 74 S. Ct. 686), but the language barrier, which the state helps to maintain, insulates the children from their classmates as effectively as any physical bulwarks. Indeed, these children are more isolated from equal educational opportunity than were those physically segregated blacks in Brown; these children cannot communicate at all with their classmates or their teachers.

The state’s response to the non-English speaking Chinese children is not passive. The state compels the children to attend school (Cal. Educ. Code § 12101), mandates English as the basic language of instruction (Cal. Educ. Code § 71), and imposes mastery of English as a prerequisite to graduation from public high school (Cal. Educ. Code § 8573). The pervasive involvement of the state with the very language problem challenged forbids the majority’s finding of no state action. 147

After the battle through the lower courts, the Chinese American parents appealed to the U.S. Supreme Court. The petition to hear the case was granted on June 12, 1973. At the Supreme Court, Justice Douglas summed up the trajectory of the case. The District Court assistance was denied, the Court of Appeals agreed with the decision—with one judge dissenting. A rehearing of the case, held en banc (meaning a full court rather than a panel), was denied, with two judges disagreeing. Due to the importance of the matter, the Supreme Court decided to hear the case. According to the California Education Code,

147 Ibid.
education for children between six an sixteen years old is compulsory. In addition, the
California Education Code called for proficiency in English as a graduation requirement.

Under these state-imposed standards there is not equality of
treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are
effectively foreclosed from any meaningful education.

Basic English skills are at the very core of what these public
schools teach. Imposition of a requirement that, before a child can
effectively participate in the educational program, he must already have
acquired those basic skills is to make a mockery of public education. We
know that those who do not understand English are certain to find their
classroom experiences wholly incomprehensible and in no way
meaningful.148

Furthermore, the San Francisco Unified School District benefitted from a
considerable amount of federal funds, which could be suspended to school districts that
have discriminated based on race, color, or national origin The court reminded the school
district of its responsibilities of helping language minorities overcome their language
limitations that was impeding their equal access to education.

The Department of Health, Education, and Welfare (HEW), which
has authority to promulgate regulations prohibiting discrimination in
federally assisted school systems, 42 U. S. C. § 2000d-1, in 1968 issued
one guideline that “school systems are responsible for assuring that
students of a particular race, color, or national origin are not denied the
opportunity to obtain the education generally obtained by other students in
the systems.” 33 Fed. Reg.4956. In 1970 HEW made guidelines more
specific, requiring school district that were federally funded “to rectify the
language deficiency in order to open “the instruction to students who had
“linguistic deficiencies,” 35 Fed. Reg.11595.149

149 Ibid.
Justice Stewart indicated that the departmental regulations, in this case, the Department of Health, Education, and Welfare guidelines and the 1970 Memorandum, were of great importance and “entitled to great weight.” The Department of Health, Education, and Welfare guidelines indicated that schools receiving federal aid were responsible in providing similar education that other students received to any student regardless of race, color, or national origin. Furthermore, the 1970 Memorandum clearly stated that if necessary, school districts needed to address any language deficiencies. According to Stewart, these regulations have been dependable, recognizing and demanding necessary services for non-English speaking students.

The *Lau v. Nichols* case had a great impact in bilingual education. The court did not mandate bilingual education but instead requested that school districts address the needs of language minority students and remediate the language deficiency of the pupils while providing equal opportunity to an education. The instructional model adopted by the school could also vary from English as a second language, bilingual and bicultural models, or special enrichment programs.

Following the Supreme Court decision, the U. S. Commission on Civil Rights prepared a report titled, “A Better Chance to Learn: Bilingual-Bicultural Education,” to inform the public and teachers about the need to provide equal opportunities to non-English speaking students. After examining the impact of bilingual education, the report concluded that,

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150 Ibid., 571.
151 Ibid.
bilingual education is the program of instruction which currently offers the best vehicle for large numbers of language minority students who experience language difficulty in our schools.\textsuperscript{152}

While \textit{Lau v. Nichols} was being decided in the Supreme Court, Congress deliberated on the extension of the \textit{Elementary and Secondary Education Act of 1965}. Congress debated the assistance provided to schools with high poverty student concentration, busing for desegregation, and the support for bilingual education, among others issues. The busing controversy required a compromise between the House of Representatives and the Senate.

The House voted to require that every school-child be allowed to attend a school providing the proper grade level that is “closest or next closet” to his home. It also specified that communities where busing had been ordered in the past could go back to court to have the orders overturned if they conflicted with the new legislation.

Today, the House approved another antibusing amendment, this one prohibiting the use of any Federal money to pay for busing designed to overcome racial imbalance in schools.\textsuperscript{153}

The Senate bill weakened the House bill by allowing the courts the final say related to school desegregation and busing:

As approved last week, the busing provision would allow students to attend the school “closest or next closest” to home and would not modify the authority of the courts to “enforce fully” the Constitution.\textsuperscript{154}


The Republican administration believed that educational decisions should take place at the local level, not federally. Nixon’s administration tried replacing the Elementary and Secondary Education Act of 1965 by proposing an education revenue-sharing program—a proposal that because it was rejected, was never completed. The amendments made to the Elementary and Secondary Education Act of 1965 in the House of Representative included a new allocation of funds formula to better assist poorer school districts and states, consolidation of grant programs, and the antibusing amendment. Bill HR 69 passed with a 380 to 26 vote. In the Senate, the amendment with the new allocation formula approved by the House was approved with a compromise on busing allowing the courts to make the final decision.

Another important decision during this time related to student privacy. The Buckley Amendment gave parents and students eighteen years or older the right to access the student’s records, and required their consent in order for educational institutions to release their records to third parties. This amendment is also known as the Family Educational Right to Privacy Act (FERPA). On August 5, 1974, Bill HR 69 was approved by the House and then by the Senate two days later.155

Throughout Nixon’s administration, difficulties with the Republican and Democratic parties were accentuated with the funding of social programs—especially the appropriation of funds for education. Presidents’ Nixon and Ford’s approaches to inflation were cutting government spending, which was highlighted in federal education programs. Both presidents believed that educational decisions needed to be at the state

and local levels and so proposed a revenue-sharing policy. This position created conflict with the Democrats in Congress that supported the creation of federal aid grants to address educational needs.\footnote{Ibid., 377.}

The new bill, a four-year extension of the current \textit{Elementary and Secondary Education Act of 1965}, was signed by the president in August of 1974. According to, \textit{The New York Times}, the bill reduced funds for urban cities that were in desperate need, due to their increased number of minority low-income families.

As the Supreme Court is telling the big cities—which are increasingly blacker and poorer—that they must solve their integration problems by themselves, the Congress is telling them that they will have to do it with less help from the Federal treasury.\footnote{“Helping the Schools,” \textit{The New York Times}, August 5, 1974, p. 22.}

\textit{Leader Involvement and Their Arguments}

An additional amendment made to the \textit{Elementary and Secondary Education Act of 1965} was the expansion of the \textit{Bilingual Education Act}.

In the Senate, two bills for bilingual education were sponsored—one by Senator Edward Kennedy of Massachusetts, another by Senator Alan Cranston of California.

Kennedy considered it imperative to extend and expand bilingual education in the country, seeing the country’s bilingual program situation as dire. He felt there was a need for a larger allocation of funds that could allow for the training of teachers and paraprofessionals. In addition, Kennedy thought that community colleges, as well as any newly-created bilingual programs for adults, should get assistance. He shared the
following regarding the lack of preparation of the bilingual teachers and paraprofessionals:

Despite the authority of the Bilingual Education Act for teacher training and professional development, virtually no title VII funds have been spent for this purpose. This bill presents a strong emphasis on teacher training.

These statistics tell only part of the story. They do not measure the degree of harm done to a child who is forced to sit in classes and listen to teachers he cannot understand or complete assignments from books he cannot read.

The gravity of this situation is perhaps exemplified by the mere fact that in 1970, the Office for Civil Rights of the Department of Health, Education, and Welfare felt compelled to issue a memorandum to school districts declaring that: “school districts must not assign national origin-minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills.”

The mere fact that the Department of HEW felt it necessary to issue that memorandum—which I ask unanimous consent to have printed in the Record at the conclusion of my remarks—demonstrates the depth of the failure of our educational system for children of limited English-speaking ability. 158

Kennedy’s bill included the creation of the Bureau of Bilingual Education and funds for research and experimentation to analyze data and disseminate the research findings. Also, this new legislation would establish a National Advisory Council on Bilingual Education whose purpose would be to review and assess bilingual education programs.

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As noted, Senator Cranston, another supporter of bilingual education, sponsored a bill that focused on elementary and secondary education. Cranston reiterated his support for bilingual education, believing that the bilingual programs implemented by the first legislation had proved to be successful for all children, not just non-English-speaking ones.

The title VII program has proved its efficacy. It has proved its worth in spite of the perennial lack of sufficient funding. And it has proved its worth to a growing number of bilingual constituencies: In fiscal 1973, for example $28.1 million was provided under title VII for projects involving the Spanish-speaking; $2.6 million was spent for Eskimo and American Indian bilingual education; $1 million was devoted to children whose dominant language is French; $650,000 went for bilingual programs serving those whose home language is Portuguese, and the balance of the appropriation was broken down into $500,000 for Chinese programs, $189,000 for the bilingual people of Guam, and $75,000 for the Trust Territories.

Still, we by no means met the need. Conservative estimates indicate that there are at least 5 million children in the United States who needed bilingual services. Under the fiscal 1973 expenditure level, only 147,000 were served, leaving an enormous gap between what we are doing and what we need to do.\(^{159}\)

Cranston considered bilingual programs a positive force in American education, not a temporary remedy.

I believe in bilingual education and the diversity it suggests. I believe in regarding language and cultural differences as advantages to the development of a fully alive and productive human being. And I believe, based on the experience generated through title VII, that it is now time to give the Federal bilingual effort new legislative life, but with a stronger, more definitive focus.\(^{160}\)

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159 Ibid., 2591.

160 Ibid.
Also, Cranston believed it was necessary to recognize the contributions of minority students into the United States’ cultural fabric, believing it was time to change.

Let us begin with a definition: In simple terms, bilingual education involves the use of two languages, one of which is English, as mediums of instruction. Both languages are used for the same student population—not as an isolated effort, but as a key component of a program embracing the total curriculum.

Rather than an objective in itself, bilingual education is part of a much larger goal: A child with a full understanding of his cultural heritage, in command of that heritage, and with a deep respect for all it implies. A model bilingual program treats the child whose mother tongue is other than English as advantaged, not disadvantaged. And a model bilingual program involves the parent and community—directly, fully, and honestly—in the fabric of the program. 161

Cranston stated that historically, schools had failed minorities:

If we need more evidence of just how bankrupt has been our educational treatment of the bilingual child, we need only look a bit further into contemporary statistics:

Fifty percent of Spanish-speaking students in California drop out by the eighth grade; 87 percent of Puerto Ricans over 25 years of age in New York City have not completed high school; the average number of school years completed by the Mexican American in the Southwest is 7.1 years; and in Boston, over half of the 10,000 Spanish speaking students are not in school at all. In Chicago the dropout rate is some 60 percent: So what are we doing about it?

Unfortunately, our educational response to these grim figures has been to apply band aids when major surgery is required. For bilingual children, our band aids have included programs in English as a second language (ESL) and remedial reading. 162

Cranston’s statement strongly encouraged the implementation of bilingual programs where the cultural heritage of the child is recognized as a positive contribution

161 Ibid.

162 Ibid., 2593.
to society. He thought it was time to celebrate the uniqueness that each child brought to school—that schools should adapt to the child, not vice versa. Cranston, referring to the *Lau v. Nichols* case heard by the U.S. Supreme Court, said regardless of its outcome, it was necessary that the legislation meet the needs of language minority children.

From these happenings, we in the Congress should sense not only a new direction for education policymaking, but also a new responsibility in legislative planning. With a trend toward schools designed to meet the needs of bilingual-bicultural children, we must bring to bear all the resources we can muster for new programs of teacher training, community planning and parental involvement in school programs, fresh directions for educational research and demonstration, more bilingual moneys to State departments of education for State-based activities, and a Federal administrative structure that puts bilingual programs nearer the top of the educational organization chart.¹⁶³

The testimony of Louis Nunez, Deputy Staff Director of the U.S. Commission on Civil Rights, focused on the concerns of the commission regarding equal educational opportunities for language minority children. Nunez considered the current bilingual programs to be few in number, as well as ill equipped to serve the limited English-speaking students. He presented recommendations to the committee based on the findings of the U.S. Commission on Civil Rights’ study, published February 1974, titled: *Sixth Report: Mexican American Education Study*. Nunez recommended that the implementation of bilingual-bicultural education offer the best instructional program to:

- Use native language instruction to teach core subjects, which allows the students to make academic progress while learning English.
- Teach reading in the child’s first language.
- Incorporate students’ cultural background and heritage to the curriculum to foster self-esteem and pride, an approach that develops partnerships between home and school.

¹⁶³ Ibid., 2594.
• Develop English literacy.164

Furthermore, Nunez recommended increasing funds at the federal level to fully implement bilingual-bicultural educational programs; and have additional resources for research, evaluation, and curriculum development. He was in agreement with the creation of a Bureau of Bilingual Education, a community involvement component, support of bilingual education for adults at the vocational level, job training, and the establishment of a National Advisory Council.165

At the hearings, Dr. L. Ling-Chi Wang, a lecturer in Asian Studies at the University of California, Berkeley, and Director of the Chinese for Affirmative Action, expressed his disappointment regarding the educational services received by Asian Americans. Wang considered the lack of bilingual services another discriminatory practice faced by Asians. He reminded the subcommittee members that discrimination dated back to 1882 with the Chinese Exclusion Act; how later in 1924, the immigration laws excluded Japanese; and how the Philippine Independence Act of 1934166 excluded Filipinos. The Philippine Independence Act included an immigration quota of 50 per year. In addition, all resident aliens (which were the Philippine persons authorized to live in the United States) were required to return to their homeland. All other immigration laws in place at that time now applied to Philippines, unless they were naturalized

164 Ibid., 2602.

165 Ibid., 2603-2605.

166 An Act: To provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes. Public Law 73-127, 73rd Cong. 2nd sess. 48 Stat. 456. (March 24, 1934). http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein.statute/sal048&id=484&collection=ssl &index=statute/sal#484 (accessed September 8, 2011).
citizens of the U.S. Many families were separated because of these immigration laws and rejoined their family now due to the repeal of *Quota Act of 1965*.\(^{167}\)

So our local school districts are suddenly faced with a significant number of Asian Americans – just to give you an example of the tremendous influx, for instance, the Filipino, the percentage of increase from 1960 to 1970 was something like 90 percent, compared with an overall national average of around 13.5 percent.

The percentage of Chinese increase was around 85 percent. This gives you the extent of the problem that local schools districts are facing.

I do not want to trouble you with all the statistics, but I do want to point out something that I understand that you are personally interested in, and that is the question of whether the right of non-English-speaking Chinese students to receive an education and equal opportunities requires that the central school district must provide these students with special instruction in English.

This is the question that is being addressed to in the forth coming Supreme Court hearing on December 10 in the case of Lau v. Nichols, which I and a number of people in the community have worked on since 1969. We are very hopeful that the Supreme Court will make a favorable ruling because it will have a tremendous national impact.\(^{168}\)

Wang indicated that positive expectations for this case could change how bilingual services were provided, and expressed two major concerns regarding the education of non-English-speaking children:

1. The busing program in San Francisco and how that situation was affecting the few bilingual classes available.


\(^{168}\) Ibid.
2. Concerns of bilingual teachers teaching Chinese children the English language.

The lack of appropriate services was creating problems for the children. For instance, many were dropping out, many were getting in trouble, and there was a high rate of juvenile delinquency. Wang asked Colorado Senator, Peter Dominick, how Dominick would perform if placed in an all Chinese language school. Dominick replied, terribly. Wang pointed out the urgency for schools to better serve the Chinese-speaking student population.169

Another attendee of the bilingual hearings was Birgil Kills Straight, President of the National Coalition of Indian-Controlled School Boards, Inc. On behalf of the coalition, Straight shared its concerns regarding the impact that the legislation would have on the Indian community. While the coalition supported the legislation to serve bilingual children, it wanted to hold Congress accountable for providing the necessary services for the Indian people.170

From the University of Texas in San Antonio, Albar Peña, signaled the lack of communication among educational agencies as an obstacle for disseminating information about bilingual education—specifically the National Institute of Education and Title VII. Peña acknowledged the need for research and evaluation to benefit bilingual programs. Regarding research, he said it should be action-research closely related to what happens in the classroom. For evaluation, Peña believed that after more than four years of

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169 Ibid., 2729-2731.

170 Ibid., 2752-2754.
implementation, it was now necessary to analyze how the 217 existing programs were being implemented in order to properly evaluate the children’s progress. Many components were taken into consideration, such as: administrative support, teacher training, appropriate materials, and student data. In addition, Peña suggested the need to assess successful programs as well as failures. Furthermore, Peña felt that once research and evaluation were accomplished, it was also necessary to look at teacher training in higher educational institutions. Lastly, Peña expressed his concerns regarding the lack of community involvement.171

Throughout the Senate hearings, many attendees recognized the need:

- For appropriate funding.
- To improve communication between all educational agencies at the federal and state levels.
- To develop appropriate research and evaluation of existing programs.
- To monitor colleges and universities that trained bilingual teachers.

A general perception prevailed among the attendees of the bilingual hearings: that bilingual and bicultural programs were a positive component for all students. It was seen as necessary to support the unique background that language minority students brought to schools, along with their language skills, since it was an asset to the nation.

During the House hearings in 1974, Stanley Pottinger, Assistant Attorney General, Civil Rights Division of the U. S. Department of Justice, stated it was clear that the Supreme Court considered the lack of English language skills of the Chinese

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171 Ibid., 3003-3005.
American students a denial of equal access to education from the part of the school district. The Supreme Court decision in the *Lau v. Nichols* case saw the lack of English proficiency as a deficiency that government agencies needed to address.

Because of its potential impact on the Government’s enforcement responsibility under Federal law with respect to denials of equal educational opportunity based on national origin, the Department of Justice participated in this case in both the court of appeals and the Supreme Court as amicus curiae in support of the Chinese student class.\(^{172}\)

Pottinger explained how regular compliance reviews in 1970 revealed that:

... certain common practices by school districts were effectively denying equality of educational opportunity to national origin-minority group children with English language deficiencies.\(^{173}\)

These findings led to a May 25, 1970 memorandum that provided guidelines for schools serving language minority students. The court’s decision relied heavily on the instructions and expertise of the Department of Health, Education, and Welfare officials, while at the same time, recognized the government’s role to assure enforcement. The Supreme Court believed that educators would provide the best instructional program to rectify the student’s condition.

A central issue to be addressed in this enforcement program is that of appropriate remedy. The decision in *Lau* left this question open on remand, only suggesting possible alternative of (1) teaching of English to students of Chinese ancestry who do not speak the language, or (2) giving instruction to this group in Chinese. The Court implicitly directed the


\(^{173}\) Ibid., 8.
school district to apply its expertise to the problem and rectify the situation.\textsuperscript{174}

This verdict left ample room for school districts to be creative producing a ground-breaking plan to efficiently eliminate inequalities and provide access to education for all students. It is important to note the opinion of Judge Blackmun regarding the number of students in the Lau case:

This is a very substantial group that is being deprived of any meaningful schooling because the children cannot understand the language of the classroom. We may only guess as to why they have had no exposure to English in their preschool years. Earlier generations of American ethnic groups have overcome the language barrier by earnest parental endeavor or by the hard fact of being pushed out of the family or community nest and into the realities of broader experience.

I merely wish to make plain that when in another case, we are concerned with a very few youngsters, or with just a single child who speaks only German or Polish or Spanish or any language other than English, I would not regard today’s decision, or the separate concurrence, as conclusive upon the issue whether the statute and the guidelines require the funded school district to provide special instruction. For me, numbers are at the heart of this case and my concurrence is to be understood accordingly.\textsuperscript{175}

According to Pottinger, the “numbers” issue presented an enormous challenge for the implementation of programs.

The Acting Director for the Office for Civil Rights (OCR), Martin Gerry, explained to the House of Representatives the rationale behind the May 25, 1970 memorandum. First, OCR received community groups’ complaints of discrimination that excluded language minority children from the full benefit of educational programs in

\textsuperscript{174} Ibid., 9.

school districts. Compliance reviews were conducted and the findings indicated that non-
English-speaking students were not succeeding academically, placed in low-level
achievement groups, and overrepresented in special education. Next, OCR decided to
prepare policies and procedures that would protect the civil rights of language minority
children—known as the Memorandum of May 25, 1970. Pilot compliance reviews were
conducted and OCR found evidence that the performance of language minority students,
when compared with their Anglo peers, was not the same. Furthermore, Gerry indicated a
severe shortage of qualified bilingual teachers, and OCR’s goal was to protect the civil
rights of language minority children excluded from full and successful educational
participation.\textsuperscript{176}

Wang thought that the bilingual programs had the most effective methodology
educating language minorities. He believed the subcommittee’s task was necessary due to
the urgency of the issue and the need for bigger appropriations. As a witness in the \textit{Lau v.
Nichols} Supreme Court case, Wang interpreted that the only way to provide a successful
educational experience for limited English-proficient students was through bilingual
instruction. One hour a day of ESL instruction proved to be ineffective for the Chinese
American student population. The Supreme Court returned the case back to the San
Francisco District Court, demanding the issue be addressed. More than 10,000 students
from different language backgrounds were affected by the court’s decision, but still the

\textsuperscript{176} Hearings Before the General Subcommittee on Education of the Committee on Education and
Bills to Amend Title VII of the Elementary and Secondary Education Act of 1965 to Extend, Improve, and
Expand Programs of Bilingual Education, Teacher Training, and Child Development. Hearings Held in
Washington, DC, March 12, 14, 19, 21, 27, and 28, 1974; and New York, May 10, 1974, pp. 28-54.
San Francisco Unified School District had not formulated a plan of action. Wang expected that a strong message from Congress (particularly with their leadership and allocation of resources) could eliminate the inequalities and discrimination of more than “5 million non-English-speaking children in the United States.” Wang also expressed his disappointment about the use of culturally biased tests to determine the future educational services of children.

Congressman William Cohen, Representative in Congress for the state of Maine commended the General Subcommittee on Education. He recalled that before the *Bilingual Education Act* legislation of 1968, instruction in a language other than English was prohibited. After the act was passed, the strong native French culture of Maine experienced a revival. The biggest problem the state of Maine faced was the lack of financial resources to sponsor the French bilingual program. Cohen considered that the pride of the French-speaking population, and the self-esteem concept (meaning if your native language is considered inferior, your persona is considered of lesser value), was diminished due to the cuts in the bilingual program. Cohen shared that he himself was educated in Latin and Hebrew, but still considered himself to be an American.

Another Congressman, Herman Badillo from New York, asked if the native, French-speaking population was assisted by poverty government programs. Cohen replied that he was not aware of such need.

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Rosa Gaus De Inclan, the Chairlady for the National Advisory Committee on the Education of Bilingual Children, provided testimony that noted the need for a sense of urgency for the U.S. to tap into the bilingual sources that the young possessed, and develop their bilingual skills so they could achieve full command of both languages. De Inclan advocated for the continuation of bilingual programs at the elementary and secondary levels with trained teachers and administrators. She believed that in order to offer quality service to students, it was necessary to have special funds expressly for this purpose.

Bilingual education should not be regarded as a charity kind of hand-me-down for minorities but as a goal in every elementary and secondary school system in the United States of America. It is high time that the American nation wake up to the fact that it is laboring under a tremendous handicap by not being able to function in a second language and in a second culture.\textsuperscript{178}

The National Advisory Committee on the Education of Bilingual Children asked the Center for Applied Linguistics to provide them with a definition of bilingual education. Dr. Rudolph C. Troike, director of the Center for Applied Linguistics, explained that bilingual education could have many interpretations. De Inclan understood that bilingual education is not reduced to ESL. Even though ESL is part of a bilingual program, it is necessary to have another language—the first language of the students. Coming from Miami, Florida in Dade County where the Coral Way Elementary School had been operating bilingual programs, De Inclan was aware of the need of more allocations to evaluate the program and to continue improving it. Therefore, she submitted a position paper on bilingual education to Congress that included a rational for

\textsuperscript{178} Ibid., 83.
the federal role in bilingual education; a philosophical standpoint; criteria for assessing
the federal government’s impact on bilingual education; the program model; curriculum
development; staff development for all teachers, administrators, and paraprofessionals;
and other recommendations.179

At the hearings on March 19, 1974, Dr. Wilson Riles, the Superintendent of
Public Instruction for the state of California, recognized Congress’ efforts to address the
needs of the limited or non-English-speaking children. Riles considered that some
progress has been made to assist this disadvantaged student population, but still it was not
enough. The state of California has developed a reporting system that relays to the school
districts the primary language of students. Nevertheless, California still fails this minority
population.

The Limited or non-English –Speaking child has not fared well in
this country in his educational career. For example, the reading levels of
Spanish-speaking children have been consistently lower than those of
Anglo children.

Thirty-seven percent of Mexican-American children in California
will fail to graduate from high school. Six percent of these students have
already left school by the eighth grade.

The enrollment of non-English background students in institutions
of higher education is also disproportionately below their percentage of
the population.

In the California State University and college system only 5
percent of the student body is Mexican-American despite the fact that this
group comprises 19 percent of the State’s population.

California has a deficiency in educational personnel prepared to
teach the non-English-speaking child. Institutions of higher education
have for years ignored the needs of this particular student population in

179 Ibid., 99-108.
their student training program. Only 2 percent—3,500 of California’s teachers have Spanish surnames.

Until recent years there was an inordinately large number of non-or limited-English-speaking children in classes for the mentally retarded and educationally handicapped due to the language-related test used for screening and placement.\(^{180}\)

Riles saw the *Bilingual Education Act of 1968* and the *Lau v. Nichols* decision as needing major improvements to facilitate bilingual education from early childhood. Riles believed this approach could meet the needs of language minorities and facilitate equal educational opportunities for many children and saw bilingual education as a moral obligation that needed federal support and necessary allocations. He also thought that coordinating the efforts of all governmental agencies dealing with language minority children would be an efficient use of time and money.

During House questioning, Riles shared his conviction that the first step toward establishing bilingual programs should be assessing the student’s needs.

Mr. Chairman, I feel that the Federal Government and all of us should look at the need. We should realize that there are children that are not making it. They are dropping out. They are becoming problems to themselves and their communities and the effort should be made to deal with the problem, to put the necessary costs and resources to deal with the problem, and stay with it until the problems are solved.

Therefore, I must argue against arbitrarily limiting programs and to setting a time limit of 5 years. It may take 10, but it may take 15, it may take 4, but let’s not make an arbitrary decision on that basis.\(^{181}\)

The superintendent saw the need to increase funding for the bilingual programs across the country. Chairman Perkins asked Riles if he would be willing to testify in

\(^{180}\) Ibid., 117.

\(^{181}\) Ibid., 120.
Congress because his testimony offered a clear perspective of the urgency for supporting bilingual education, which Riles agreed to.

Yet another attendee of the bilingual hearings was James Harris, president-elect for the National Education Association (NEA). In his March 21, 1974 statement, Harris viewed teacher training and the need to consolidate efforts as priorities:

One of the biggest problems in bilingual education has been the inability of the Office of Education to coordinate the various Federal funding sources: title VII—bilingual education, titles I—ESEA, title I—migrant, ESAA, title III, EPDA, and title III—higher education, etcetera. There is a need to centralize and systematize efforts in bilingual education. Therefore, it is strongly urged that a Bureau of Bilingual Education in the Office of Education be established. Such a bureau, properly organized, would definitely serve the needed purpose of coordinating the numerous bilingual education programs to avoid duplication of efforts and strengthen bilingual education in terms of effectiveness and efficiency. It is NEA’s concern that monies appropriated reach the student as directly as possible, without the proliferation of bureaucratic hierarchies.182

Harris considered bilingual-bicultural education an advantageous topic for American Education—not as a remedial program to cover deficiencies. He suggested the establishment of regional centers to provide regional support and deemed the extra funds for bilingual education necessary to supplement, not to supplant, programs.183

On March 27, 1974, House Representative Edward Roybal presented a proposal to the House that would increase funding for bilingual education. The current administration did not support his plan but instead, recommended cutbacks in education. Furthermore, in the amendment for the ESEA, bilingual education was not included for renewal. Even though recent findings by the U. S. Civil Rights Commission indicated that Mexican American students were being neglected and their educational needs not being met.

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182 Ibid., 208.

183 Ibid., 207-235.
The administration’s 42 percent cutback runs counter to these federal findings and represents a serious reversal of our commitment which pointed to the “urgent need … for comprehensive and cooperative action” by federal as well as local and state levels. We must return to that commitment, particularly in light of the recent Lau decision.

This decision ranks in importance with the 1954 Brown ruling in mandating equal educational opportunity for all children. It has taken nearly two decades to gain national recognition of the problems of language discrimination in this country and the need for bilingual bicultural education. The Supreme Court in Lau concludes that English only classes failed to meet the educational needs of children whose dominant language is other than English, and that supplemental programs are necessary to protect the students’ right to equal educational opportunity.184

Roybal thought it was controversial that the country was cutting funding at home for education while spending half a billion dollars a year supporting education abroad through foreign aid and development banks. He added that taking in consideration the Supreme Court Lau v. Nichols decision, now was the time to increase allocations to a level that could make a difference for language minority children.

The testimony of Dr. Josue Gonzalez from the Institute of Governmental Services of the University of Massachusetts highlighted two important aspect of bilingual education:

1. philosophy and rationale

2. processes for doable and effective programs

Regarding philosophy and rationale, it is important to understand that the ideology applied to Title I and other compensatory remedial programs was also applied to bilingual education. Gonzalez indicated that research demonstrated that this remedial

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184 Ibid., 238.
approach led to small gains for children with languages and cultures different from the mainstream. Schools demanded that minority children conform to the norms of the Caucasian middle class. The blame was on the culturally deprived child. Gonzalez thought that the argument used to explain African American children’s lack of success was being used as an argument for language minority children. The original language of the Bilingual Education Act recognized the special educational needs of limited or non-English-speaking children. This acknowledgment of special needs, according to Gonzalez, was the first step in accepting the cultural diversity and languages that these children bring to schools and society. Gonzalez also thought that if the positive aspect of bilingual-bicultural education was reinforced, then minority child would develop a positive self-image of his or her cultural background. Gonzalez believed that as a nation, we could highly benefit from bilingual-bicultural education, especially since, after Mexico, Argentina, Colombia, and Peru, the U.S. has the largest Spanish-speaking population in the Western Hemisphere.

Our society would benefit from an increased ability to talk to and understand our rapidly changing constituencies. And by learning more about each other’s languages, we can help to minimize the ethnocentrism which characterizes our country and which seeks to make everybody over to sound, look and even smell the same.\textsuperscript{185}

Gonzalez continued by stating that for this nation to be a real democracy, there needed to be a respect of the needs of this diverse population.

With this as no background and point of reference we can then proceed to define a quality bilingual bicultural education program as a comprehensive instructional program which utilizes the primary language systems and cultures of the various student groups served as the primary

\textsuperscript{185} Ibid., 256.
medium of and bases for instruction in the various subject matter areas while a sufficiently rich cultural and linguistic environment is provided to enable each student to acquire full competency in one or more language systems and cultures.\footnote{Ibid., 257.}

In order to make the bilingual programs \textit{doable and effective}, Gonzalez believed that the federal government’s role should be in the areas of research, model development, dissemination of models, and providing monetary resources for school districts to develop capabilities and new programs.

The hearings in the House of Representative presented a common thread regarding the need for bigger allocations, more bilingual programs, teacher training, community involvement, and the need to coordinate efforts among the governmental agencies. Some hearing attendees recognized that progresses had been made, but that the needs of the majority of the limited English-proficient children across the country had still not been met.

The amendments to the \textit{Bilingual Education Act} was signed into law on August 21, 1974 under \textit{Title VII} of the \textit{Elementary and Secondary Education Act of 1965} as Public Law 93-380.\footnote{\textit{An Act: To extend and amend the Elementary and Secondary Education Act of 1965, and for other purposes}. Public Law 93-380, 93 Congress, 2\textsuperscript{nd} sess. 88 Stat. 503 (Aug. 21, 1974). http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein statute/sal088&id=528&collection=ssl &index=statute/sal#547 (accessed May 16, 2011).} The new components of the \textit{Bilingual Education Act} consisted of:

- Recognition of the large number of children with limited English-proficiency skills.
• Acknowledgment that the needs of language minority children could be met through bilingual educational methods and techniques and the use of multiple languages and cultural resources.

• Admission by Congress that the establishment of bilingual programs required adequate funding and the necessary increments each year—which had not occurred since the initial Bilingual Education Act of 1968—and the need to allocate 15 percent for training purposes. In addition, the low-income criterion was softened, providing room to serve larger number of children with limited English-language skills.

• Definitions such as:

  1) Limited English-speaking ability children:
     “(A) individuals who were not born in the United States or whose native language is a language other than English, and
     (B) individuals who come from environments where a language other than English is dominant, as further defined by the Commissioner by regulations; and, by reason thereof, have difficulty speaking and understanding instruction in the English language.”188

  2) Native language, the language use at home by the parents.

  3) Low income, the family income as determined by Title I of the Elementary Education Act of 1965.

  4) Program of bilingual education, a voluntary program that is age appropriate, designed to meet the instructional needs of children with limited English proficiency where the native language and cultural heritage of the child is use for instructional purposes. It is not a program to teach a foreign language to English speaking children. Elective classes should be taught in a mainstream setting.

• Allocations that should only be used for the preparation, training, operation, implementation, or improvement of bilingual education programs, and that

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188 Ibid., 504.
would benefit limited English-speaking ability children and their parents—including education in junior or community colleges.

- The inclusion of Indian children as beneficiaries of this act, with funds paid through the Secretary of Interior.

- The creation of the Office of Bilingual Education with a director that reports directly to the Commissioner of Education. This office has the responsibility to prepare yearly reports to Congress and the President regarding the state of bilingual education nationwide.

- Reactivation of a National Advisory Council on Bilingual Education with fifteen members appointed by the Secretary. This Council needed to have experts and experienced professionals in the area of bilingual education (including teachers); meet four times a year, minimum; and advise the Commissioner on policy issues related to planning, administration, and operation of bilingual programs. The Council is required to prepare annual reports to Congress and the President, which should consist of “a national assessment of the educational needs of children and other persons with limited English-speaking ability, and of the extent to which such needs are being met from Federal, State, and local efforts.”

In addition, a plan projecting the cost for the next five years, including vocational training, an evaluation of activities performed under Title VII, description of activities to be implemented the following year with an estimate cost, and an evaluation of

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189 Ibid., 510.
the teachers and paraprofessionals working in bilingual programs with an explanation of training opportunities provided.

- The completion of research in the area of bilingual education in order to improve the bilingual programs implemented. This research would be conducted by the National Institute of Educational (NIE). In addition, independent contractors were required to conduct research to validate the findings of the NIE.\textsuperscript{190}

The 1974 Amendment to the \textit{Bilingual Education Act} considered bilingual and bicultural education a better instructional model than English as a second language. The amendment focused on training, and the development of bilingual educators and other instructional staff. It provided opportunities for fellowship, recognizing the need for research and dissemination of information. At the same time, Congress admitted that the bilingual programs in place after the first \textit{Bilingual Education Act of 1968} were not properly funded, and therefore denied educational opportunities to a large number of language minority children. In addition, the requirement of serving only low-income children was relaxed, and an accountability annual report that provided information about programs that were established and required.

\textbf{Summary–Conditions That Existed}

Nixon arrived to the presidency promising peace and an end to the U.S. economic maladies. In his inaugural address on January 20, 1969, Nixon stated:

\begin{quote}
No people has ever been so close to the achievement of a just and abundant society, or so possessed of the will to achieve it. And because
\end{quote}

\textsuperscript{190} Ibid.
our strengths are so great, we can afford to appraise our weakness with
candor and to approach them with hope.\textsuperscript{191}

President Nixon’s major task focused on ending the Vietnam War and moving the
country’s economy out of a severe inflation. Nixon’s greatest economic challenges were
the high rates of unemployment and inflation. His economic policies tackled the
difficulties with economic controls, freezing prices and salaries, and cutting federal
expending (mostly defense and social programs). Nevertheless, the economic situation
continued deteriorating. It was not until the suspension of the conversion of the dollar
into gold in August 1971, the cuts in foreign economic aid, and more federal restrictive
measures, that the economy started to expand. These measures brought positive results
that increased investments and stimulated the housing market.

President Nixon’s economic restrictions were gradually removed during his
second term. The temporary economic recovery was confronted with an oil crisis,
inflation, a slowdown of production, and housing issues. Nixon publicly recognized the
troubles ahead,

Despite this record of achievement, as we turn to the year ahead
we hear once again the familiar voice of the perennial prophet of gloom
telling us now that because of the need to fight inflation, because of the
energy shortage, America may be headed for a recession.\textsuperscript{192}

\textsuperscript{191} Richard M. Nixon, Inaugural Address, January 20, 1969.

\textsuperscript{192} Richard M. Nixon. Address on the State of the Union Delivered Before a Joint Session of the
27, 2010).
The economy did not recover during Nixon’s second-term presidency. Nixon’s power focused on the political turmoil regarding the Watergate scandal while the economy continued to worsen.

The political conditions during President Nixon’s administration were not the most favorable for him. Nixon worked with a majority-controlled democratic Congress that opposed most of his initiatives—including the rejection of two Supreme Court nominees. In addition, the difficult relationship that President Nixon had with the media led to public criticism; his government officials’ efforts to improve his rapport with the press did not yield the desired outcomes. Unfortunately, wiretapping became common practice during Nixon’s administration, leading to the Watergate espionage scandal that eventually caused his resignation.

Issues of civil rights were not in the forefront of Nixon’s political agenda. In spite of efforts to increase minority employment, desegregate schools, and improve housing practices that were discriminatory, the lack of confidence in Nixon’s presidency grew bigger within the African American community. The atmosphere of distrust among African Americans led to violent acts that caused a “white” backlash. The liberal ideology in existence during the previous administration turned conservative when the economic difficulties exacerbated.

The social conditions of the time provided opportunities for other minorities to advance their cause for civil rights. This period encountered very strong antiwar attitudes—manifesting in protests and peaceful demonstrations across the country in college campuses and cities. Women, gay and lesbians, people with disabilities, language
minorities, and Native Americans advanced their cause for civil rights and equal opportunities looking for full participation in American society.

In education, the movement toward the desegregation of schools continued, but the opposition from Caucasian parents in refusing to bus African Americans into their schools slowed the process; in the meantime, suburban neighborhoods became “whiter” and big cities became poorer and more racially divided. The women’s movement gained momentum as the amendment of the *Higher Education Act of 1965, Title IX* prohibited sex discrimination in any educational activity. This act affected school districts, colleges, and universities, which opened new opportunities for female students and professionals. For people with disabilities, the *Rehabilitation Act of 1973* provided accommodations and opportunities for education and employment.

Language minority students also claimed their rights to educational opportunities that addressed their language needs. The few implemented bilingual programs only targeted a small percentage of students. The Office of Civil Rights’ May 25, 1970 Memorandum played an important role regarding the education of language minority students in federally funded schools. Later, in 1974, the Supreme Court Case *Lau v. Nichols* recognized the obligation that schools districts had of meeting the needs of language minority students and their rights to receive equal opportunities to education. On August 21, 1974, President Ford signed the amendment to the *Bilingual Education Act*. The amendments provided clear definitions for bilingual and bicultural programs, relaxed the poverty criteria, requested allocations for training educators and instructional staff, promoted research, disseminated information, and encouraged fellowships.
Congress acknowledged the need for bigger appropriations with increments each year in order to better serve the growing population of students with limited English-speaking skills. An annual report to Congress and the president was mandated to inform about the program successes and failures.
CHAPTER V

LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT
AND IMMIGRANT STUDENTS

Economic Conditions 1975-2000

Gerald Ford, 1974-1977

After Richard Nixon resigned his presidency on August 9, 1974, Vice-President
Gerald Ford became president and assumed leadership of a country with a debilitating
economy. President Ford said,

. . . I assume the Presidency under extraordinary circumstances
never before experienced by Americans. This is an hour of history that
troubles our minds and hurts our hearts.¹

Contributing to the economic situation was the increased oil prices, a bigger need
for credit, and rising interest rates. As a result, real income decreased and individual taxes
rose. The government’s plan for the weak economy was more restrained by its reductions
in spending for federal outlays. By year’s end, the biggest concerns were to halt
unemployment while boosting production.

In his State of the Union Address on January 15, 1975, President Ford clearly
stated the following:

¹ Gerald Ford, Remarks on Taking the Oath of Office, August 9, 1974.
http://www.presidency.ucsb.edu/ws/index.php?pid=4409&st=&st1=#axzz1STmelevo (accessed July 16,
2011).
Today, that freshman Member from Michigan stands where Mr. Truman stood, and I must say to you that the state of the Union is not good: Millions of Americans are out of work. Recession and inflation are eroding the money of millions more. Prices are too high, and sales are too slow.

This year's Federal deficit will be about $30 billion; next year's probably $45 billion. The national debt will rise to over $500 billion. Our plant capacity and productivity are not increasing fast enough. We depend on others for essential energy.

By the second half of 1975, the economy started showing signs of recovery, even though unemployment and inflation remained high due to the tax cuts proposed by the president and ratified by Congress.2

In the first quarter of 1975, the GNP declined sharply at a rate of -9.2 percent. By the second quarter, there was a slow recovery rate of 3.3 percent, reaching its peak during the third quarter at 11.9 percent and ending the year with a 5.4 percent growth.3 This rapid recovery was due in part to the government tax rebates and the liquidation of large inventories through sales. By the end of the year, the unemployment rate had dropped to 8.5 percent (7.7 million people), which remained high when compared to the 5.6 percent rate in 1974.4 The CPI increased at an annual rate of 7 percent, a sharp decline from the 12 percent in 1974.5 With the housing market, the demand for new homes remained below average during the first half of the year with $34 billion in the second quarter. The

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3 Ibid., 49.
housing industry showed signs of recovery in the second half of the year due in part to the lower interest rates, with $41 billion in the fourth quarter.⁶

In his State of the Union Address on January 12, 1976, President Ford had a more positive tone.

Just a year ago I reported that the state of the Union was not good. Tonight, I report that the state of our Union is better—in many ways a lot better—but still not good.⁷

President Ford commended the resilience of the American people towards adversity, but also recognized that the country had not achieved recovery. Therefore, he asked for more government restrictions to cut the cost of living, while providing federal assistance to expand housing prospects for middle and lower income families. He saw the need to restrain federal spending, to create tax laws that invited more investments and as result created more jobs.

In 1976, the GNP fluctuated during the year. Initially, during the first quarter, the GNP grew at a 9 percent annual rate, ending the last quarter with 2.6 percent growth. The unemployment rate for the year averaged 7.7 percent, slightly lower than 1975’s 8.5 percent. According to the Annual Report of the Council of Economic Advisers, the GNP growth was a result of large inventory investment, which slowed notoriously in the final quarter and brought the GNP down. The partial economic recovery was, in part, due to an expansion in expenditures for durable products such as automobiles and parts. The

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⁶ Ibid., 67.

personal consumption expansion slowed during the second and third quarters, declining by the fourth quarter. The CPI and the prices of durable and nondurable goods declined to 5 percent for 1976. The housing industry continued to recuperate during the year, rapidly growing during the first three quarters at an 18 percent rate and ending with a 37 percent growth in the fourth quarter. Also, 1.84 million homes were built in 1976—many of them benefitting from Federal assistance programs.8

The Congressional Budget Act of 1974 changed the existing fiscal year from July 1–June 30 to October 1–September 30, with a transition quarter from July to September 30.9 Even though the economy was slowly recovering, President Ford’s request for sharp federal spending restrictions were not granted by Congress as new budget procedures were in place. The deficit grew to the highest level in United States’ history.

The fiscal 1976 budget wound up with a $66.5-billion deficit, less than the $74.1-billion projected by Congress but more stimulative than $51.9-billion that Ford had proposed in 1975. The transition quarter deficit was less than $13-billion, well below the congressional target, as spending was considerably less than projections. The spending shortfalls were concentrated in the middle months of the year and resulted in a sharp temporary reduction in the government’s deficit, thus curtailing fiscal stimulus while the economy still was struggling upward.10


Following the resignation of President Richard Nixon in the wake of the Watergate scandal, James Earl Carter won the presidency by a narrow margin. Carter ran against incumbent President Gerald Ford, inheriting a nation trying to overcome inflation in the process. In an effort to facilitate economic growth, President Jimmy Carter presented Congress with an economic stimulus program consisting of individual taxpayers’ rebates, extended tax reduction, and job creations.\textsuperscript{11}

During the first quarter of 1977, the economy showed signs of improvement. By April 14, 1977, President Carter considered the $50 individual tax rebate that was part of the administration’s economic stimulus proposal unnecessary—a move that proved to be controversial. The decision to withdraw the tax rebate caused political disagreement that undermined business confidences.\textsuperscript{12} In addition, President Carter gave mixed signals to investors when he postponed tax reform until 1978, something he had promised during his campaign.\textsuperscript{13}

During 1977, the GNP showed a robust expansion for the first and second quarters, with a 7.5 and 6.2 percent growth respectively. Despite an extremely cold winter, the economy was not severely affected. Factories closed for only one or two days

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and any production loss was recuperated before the end of the second quarter. The rapid economic expansion did not continue for the second half of the year. The last half of the year presented a 5.5 percent in real GNP, indicating continuous recovery but not so expedient.

Throughout 1977, the unemployment rate fell. The vigorous improvement in the economy during the first two quarters decreased unemployment to 7.9 percent, but the last two quarters of the year had moderate economic growth. As a whole, unemployment fell to 7 percent. The CPI increased to a 6.5 percent overall while the Federal Reserve Bank continued its efforts to control inflation by limiting the money supply.

Aided by stable long-term interest rates, the housing industry grew to almost 2 million new units built in 1977. This meant 150,000 more homes than in 1976. The year ended with signs of recovery but pressure continued for new economic incentives.

When President Carter came into office, the 1978 budget was already a done deal, so he was able to make few changes to it. But in 1979, he was able to make a federal budget with his own imprint. In his State of the Union Address in 1978, President Carter acknowledged that the country’s economy had not yet fully recovered and that it was

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necessary to continue combating inflation. To accomplish this, he asked businesses for voluntary price and wage controls, committed to income tax reduction and reform, proposed a stronger energy bill, and strived for employment for every adult who was able to work.¹⁹

During the year, the GNP rose at an annual rate of 4.5 percent. During the first quarter, severe wintry elements negatively impacted construction and consumer spending. Employment rose to 3.3 million while unemployment fell to 5.6 percent by the final quarter of 1978. The CPI rose to 9.2 percent with high food prices and increased cost of imports. Another factor that contributed to inflation was the high cost of medical care. Medical care costs increased because of population growth and a lack of cost controls and devalued the dollar in international exchange markets. By year’s end, the construction industry was strong with two million new housing units built despite high interest rates that reached 10 percent by the end of the year.²⁰

The tax reform bill was signed into law on November 6, 1978 (Public Law 95-600). It reduced individual income tax for low-income individuals and families. In addition, it allowed for the creation of flexible spending accounts with no tax for medical expenses.²¹

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²¹ An Act: To Amend the Internal Revenue Code of 1954 to reduce income taxes, and for other purposes. P. L. 95–600, 95 Cong. 2nd sess. 92 Stat. 2763 (November 6, 1978).
Jimmy Carter’s January 23, 1979 State of the Union Address spoke of creating conditions for a strong national economy and a more efficient government. He emphasized the need to control inflation and create more jobs while at the same time, restrain federal spending. President Carter sent Congress a budget that he thought was fair and would efficiently continue the social programs that were established in the past.22

Nevertheless, 1979 was a year of no economic growth in the United States. The GNP for the year was 0.8 percent, the unemployment rate fluctuated between 5.7 and 5.9 percent throughout the year, and employment grew by 2 million. Women in the labor force increased to almost 70 percent of the total increase. Inflation had a sharp increase, reaching 13 percent in 1979. Some factors that increased the CPI, and kept the dollar low, were high-energy prices, skyrocketing interest rates for home mortgages, and international uncertainty. These factors caused businesses to be cautious and maintain low inventories.23

In addition, the voluntary request for wage and price controls proved to be inefficient and difficult to reinforce. In spite of the tight credit and restraints in federal


spending, spending increased. This stimulated the economy, but consumers went into debt because they were borrowing more and saving less.\textsuperscript{24}

By the end of 1979 and fearing another recession, Congress refused to carry-on further economic restrains that were appealed by the administration. Instead, lawmakers approved higher federal spending for the 1980 fiscal year and raised the national deficit.\textsuperscript{25}

The nightmare of “stagflation”—spiraling prices accompanied by a stagnant economy and severe unemployment—came true in 1980 as the long- awaited recession failed to wring inflation from the economy.\textsuperscript{26}

The United States economy took a downturn on the second quarter of 1980 when the GNP declined to 9.9 percent in the second quarter. A slow recovery occurred during the third and fourth quarters, averaging a 3.1 percent growth. These uneven patterns affected the labor market. For example, the unemployment rate fluctuated between 7.4 and 7.6 percent, with a higher proportion of adult male off work. The CPI reached 18 percent during January and February, but for the year, there was a 12.6 percent inflation rate with volatile prices in energy, food, and housing. A reduction in energy consumption and a 20 percent decline of petroleum imports was due to the sluggish economy and conservation efforts.\textsuperscript{27} Housing and automobile sales were very weak, which were

\textsuperscript{24} Ibid., 30.
affected by increased interest rates; mortgage rates were near 17 percent. By the end of the year, rates fell to 15 percent and new housing construction had declined.28

By November 4, 1980, major concerns of U.S. voters were the double-digit inflation, lack of disposable income, increased unemployment, and unreachable home prices. The country turned to the Republican Party for new leadership.

But the nation was willing to give Reagan and his policies a try. Americans had assessed Carter and the Democratic Congress by the “misery index” he devised during his 1976 campaign and had found them lacking. That measure—the unemployment rate added to the inflation rate—was about 20 percent at the end of 1980, up nearly 8 percentage points from four years earlier.29


Ronald Reagan’s arrival to the White House came with the public’s expectation that he would spur the economy; his economic theory was based on reducing the government’s role.


This plan is aimed at reducing the growth in government spending and taxing, reforming and eliminating regulations which are unnecessary and unproductive or counterproductive, and encouraging a consistent monetary policy aimed at maintaining the value of the currency. If enacted in full, this program can help America create 13 million new jobs, nearly 3


million more than we would have without these measures. It will also help us to gain control of inflation.30

President Reagan embarked on policies that reduced the government’s role in the nation’s economy and was an agent for social equality, created tax reforms, increased defense spending, and deregulated the financial markets.

At the beginning of Reagan’s administration, the economic indicators presented a bleak picture. By the end of his first term, the situation had changed. Even though there was a period of renewed recession in August 1981, the economy was able to obtain a strong recovery by the end of 1984. The GNP for 1980 was -0.3 percent; by 1984, it grew to 6.8 percent. In 1981, unemployment was 7.6 percent; in 1984, it was 7.5 percent. It is important to note that the recession in the fourth quarter of 1981 brought the unemployment rate to 8.3 and to 10.7 percent in November and December of 1982. The CPI started at 10.4 percent in 1981 and finished at 4.3 percent by 1984. Reining in the inflation rate came at a cost: increasing interest rates to 16.3 percent in May 1981, affecting the dollar value in the international market and swelling the cost of exportation goods.31 The interest rates that started at 20.5 percent in January 1981 were at 12.75 percent by Election Day of November 1984, and 10.75 percent by December 1984.32

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To improve the economic performance, a major change that was implemented by President Reagan and Congress was the *Economic Recovery Tax Act* of August 13, 1981. This act provided a 23 percent cut in personal marginal tax rates over a three year period and an instantaneous cut for people in the top income bracket—from 70 to 50 percent—with a goal to encourage economic growth. It indexed the tax code parameters for inflation to reduce people moving up the tax bracket when the real value of their earnings had not changed. The legislation also provided generous business deductions. In addition, the Federal Reserve System continued to restrain monetary flow. At the beginning of these economic policies, the country experienced another recession, which kept interest rates and unemployment high. After a transition period, between 1981 and 1982, there was a substantial economic recovery.

Nonetheless, the housing market continued to be depressed as a result of high interest rates. By 1982, mortgage rates reached an 18 percent interest rate, falling to 17 percent at the end of the year. The construction market started to show signs of improvement, with 1.6 million housing starts and 1.7 million units in 1984.

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35 Ibid., 198.

36 Ibid., 63.
In his inaugural address on January 20, 1981, President Reagan conveyed his concerns about the economic crisis, the tax burden, and big government spending. He talked about how Americans needed to live within their means with a government that was manageable and provided opportunities.

In the days ahead, I will propose removing the roadblocks that have slowed our economy and reduced productivity. Steps will be taken aimed at restoring the balance between the various levels of government. Progress may be slow, measured in inches and feet, not miles, but we will progress. It is time to reawaken this industrial giant, to get government back within its means, and to lighten our punitive tax burden. And these will be our first priorities, and on these principles there will be no compromise. 37

With this agenda in mind, President Reagan initiated massive federal budget cuts while increasing defense expenditures. Between the fiscal year 1982 to 1984, there were $130.6 billion dollars were severed from federal spending—a cut that directly curtailed the scope and character of many government programs. The Economic Recovery Tax Act of 1981 generated $280.3 billion dollars cuts in personal and corporate income tax, creating an unfavorable reaction in the economy. 38 Even though Reagan was determined to minimize the government’s economic role, he asked for major increases to his defense budget. For the fiscal year 1981, Congress authorized appropriations of $199.7 billion dollars with a supplementary fund of $11.8 billion dollars that included military pay


In 1988, at the end of President Reagan’s first term, Reagan’s actual defense spending was $292.9 billion dollars.\(^{40}\)

The national deficit seemed to be running parallel to the defense budget. For instance, in the fiscal year 1981, the deficit was $57.9 billion dollars; by the end of fiscal year 1984, the deficit had reached $175.36 billion dollars.\(^{41}\)

By Reagan’s second term, the economy was on a path of progress, but the federal budget deficits were running alarmingly high. In his State of the Union Address on February 6, 1985, President Reagan recognized the economic achievements of his office.

> Four years ago we said we would invigorate our economy by giving people greater freedom and incentives to take risks and letting them keep more of what they earned. We did what we promised, and a great industrial giant is reborn.

> Tonight we can take pride in 25 straight months of economic growth, the strongest in 34 years; a 3-year inflation average of 3.9 percent, the lowest in 17 years; and 7.3 million new jobs in 2 years, with more of our citizens working than ever before.\(^{42}\)

Reagan acknowledged there was more work to be done. For instance, he saw the need to simplify the tax code, reduce federal budget deficits, control government spending, and reduce obstacles for new investments.\(^{483}\)

\(^{39}\) Ibid., 208-211.

\(^{40}\) Ibid., 235.

\(^{41}\) Ibid., 36.

However, Congress’ concerns about federal budget deficits led to a debt ceiling bill—the *Balanced Budget and Emergency Deficit Control Act of 1985*. The goal of this bill was to reduce the budget deficit that had reached historical proportions. This law acerbated the disagreements in Congress among Republicans and Democrats, resulting in a compromise about where to cut or what tax breaks to authorize. Later, in 1987, Congress thought of pursuing automatic cuts, but by then, more significant cuts were being implemented. The new bill contained a less stringent approach and promoted what appeared to be attainable deficit reductions for 1988.

As promised in his 1985 State of the Union Address, President Reagan was able to pass his second tax reform law. On October 22, 1986, Congress approved another legislation to reform the internal revenue system. This law reduced individual tax contributions and did away with tax shelter, therefore increasing corporate taxes.

Again, the economic indicators for President Reagan’s second term indicated prosperity. The inflation rate in 1986 reached the lowest point in two decade—1.1

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percent. By 1988, the CPI was 4.4 percent, which is still considered low inflation since at the beginning of 1980 it was in the double digits. The unemployment figures improved as well. In 1985, there was a 7.2 percent unemployment rate. By 1988, the unemployment rate was 5.5 percent, reaching the lowest rate in twenty years in 1989 with a 5.3 percent.\textsuperscript{47} With the housing industry, there were 1.7 million units built in 1985.\textsuperscript{48} The residential investments reached its peak in 1986 with the construction of 1.81 million unit housing starts, decreasing to 1.37 million units by 1988.\textsuperscript{49} This period of economic expansion showed a total GNP for 1985 of 3.4 percent, increasing to 3.9 percent in 1988. The slow growth was in part due to drought conditions during the second half of the year.\textsuperscript{50} Even though there was economic expansion, signs of trouble were present with high trade deficits and record federal budget deficits. National disproportion of imports over exports created a trade deficit of $170 billion dollars in 1987, remaining stagnant in 1988.\textsuperscript{51} In 1981, the debt was $1 trillion dollars; at the end of 1981, it was near $2.6 trillion, paying $151.8 billion for interest on the national debt. This meant that the government needed to borrow money to pay its bills.\textsuperscript{52}


\textsuperscript{51} Ibid., 30.

\textsuperscript{52} Ibid., 71.
During Reagan’s administration, the defense budget became a point of contention between Democrats and Republicans. In 1981, the fiscal budget allocated $178 billion dollars for Defense. By 1988, the budget requested allocations of $292 billion, and $299.5 billion in fiscal 1989—an almost 35 percent increase from the beginning of his first term.

Based on the extensive cuts made to the social programs, it was clear that President Reagan’s plan of reducing government’s participation in the economy was a top priority. At the end of Reagan’s presidency, Reagan had cut domestic spending, cut taxes, and increased defense spending. The cost of his agenda and the economic expansion created a historic national debt for generations to come.

Another crisis of the second term was in the financial sector—specifically the banking system and the savings and loans industry. Due to deregulations, the Federal Savings and Loan Insurance Corporation (FSLIC) needed extra cash to save failing institutions. The relaxation of the regulations, the unstable interest rates over the years, and corruption caused this situation. New legislation was required to solve this crisis, which created more than $50 billion in losses. But Congress failed to act in a timely manner, which eventually cost tax payers billions of dollars.

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55 Ibid., 27.
George H. Bush, 1989-1993

George H. Bush took the reins of the White House, following the policies established by Ronald Reagan, and expecting that the years of prosperity would continue. However, in a short amount of time, the economy took a downturn.

I’m the one who won’t raise taxes. My opponent now says he’ll raise them as a last resort, or a third resort. When a politician talks like that, you know that’s one resort he’ll be checking into. My opponent won’t rule out raising taxes. But I will. The Congress will push me to raise taxes, and I’ll say no, and they’ll push, and I’ll say no, and they’ll push again, and I’ll say to them, “Read my lips: no new taxes.”

From the moment Republican George H. Bush was elected president in 1988, he promised not to raise new taxes, a promise he was unable to keep. President Bush continued Reagan’s economic approach that allowed the economy to fix itself with minimal federal government intervention, low taxes, and limited regulations. This economic program did not yield the best results. The economic expansion experienced during Reagan’s years continued at a moderate pace during Bush first year.

In 1989, the GNP, affected by a severe drought, increased at a 1.9 percent rate—a decline from the 3.9 percent growth in 1988. Unemployment rates stayed at a 5.3 percent low and inflation rates remained stable at 4.1 percent for the year. The higher interest


rates kept the housing investment for housing starts at near 1.37 million units.\textsuperscript{59}

Furthermore, President Bush had to come to the rescue of FSLIC and the banking industry failures.

The savings and loan debacle, and an attendant emergency in the banking industry, amounted to a financial crisis that threatened to rival that of the Great Depression.\textsuperscript{60}

An injection of dollars was necessary to avoid a catastrophe due to the lack of confidence in the financial service industry. Congress addressed the issue on August 9, 1989, with the \textit{Financial Institutions Reform, Recovery, and Enforcement Act of 1989}.\textsuperscript{61} This bill was a federal bailout that paid for the losses. It also approved new regulations that would detect problems and prevent financial institution failures while increasing the federal deficit by $50 billion. Due to the banking industry abuses, Congress had to intervene again and repair the deposit insurance system by reducing its 1991 risks.\textsuperscript{62}

The economy began to show signs of recession in 1990. As a consequence of the Iraq invasion of Kuwait in August, credit was restricted, the Federal Reserve reduced the

\textsuperscript{59} Ibid., 41.


\textsuperscript{61} \textit{An Act: To reform, recapitalize, and consolidate the Federal deposit insurance system, to enhance the regulatory and enforcement powers of Federal financial institutions regulatory agencies, and for other purposes.} Public Law 101–73, 103 Stat 183 (August 9, 1989).  

\textsuperscript{62} \textit{An Act: To require the least-cost resolution of insured depository institutions, to improve supervision and examinations, to provide additional resources to the Bank Insurance Fund, and for other purposes.} Public Law 102–242, 105 Stat. 2236. (December 19, 1991).  
available money supply, and oil prices went up. The GNP was 0.3 percent—the biggest economic contraction since the early 1980s. Unemployment rates were 5.5 percent and reached 6.1 percent by December. The CPI, guided by increases in crude oil prices and extreme cold weather, rose to 7.5 percent by the first quarter, declining to 3.9 percent, which was below the 1989 inflation rates. Residential investment was the area most affected by the recession, declining to -8.7 percent for the year. At this time, it was difficult for builders to obtain credit—rising interest rates kept demand low. In an effort to reduce rising inflation, the Federal Reserve kept money and credit availability limited.

The *Omnibus Budget Reconciliation Act of 1990* was originated to reduce the federal budget deficit by increasing personal income tax and limiting the capital gains rate. On November 5, 1990, President Bush broke his promise of “no new taxes.” This law complicated the tax code that had been simplified in 1986.

The session ended, however, with passage of a deficit-reduction bill (HR 5835—PL 101–508) that promised to raise a net of $137 billion in new taxes over five years and increase the top rate on the very wealthiest taxpayers from 28 percent to 31 percent. Congress approved only a cosmetic change in the capital gains rate, and the GOP took a drubbing from Democrats on the issue of “tax fairness.”

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64 Ibid., 50-59.


In the Annual Report of the Council of Economic Advisor of 1992, there was a change in the use of economic indicators. Instead of continuing to analyze the GNP, which measures the country economic report card, the Gross Domestic Product (GDP) was used.

GNP, or gross national product, is one of the most common measures of the overall performance of the economy. It is defined as the market value of all goods and services produced during a particular time period by U.S. Residents, that is, U.S. individuals, business, and government. GNP includes income earned by U.S.-owned corporations overseas and U.S. residents working abroad; it excludes income earned in the United States by residents of the rest of the world.

A closely related measure, gross domestic product (GDP), is the value of output produced by people, government, and firms in the United States, whether they are U.S. or foreign citizens, or American- or foreign-owned firms. Profits earned by foreign-owned businesses in the United States are included in U.S. GDP, but not included in U.S. GNP (because the firms are owned by Americans), but they are not included in the GDP (because they are not earned in the United States). GDP is measured quarterly and annually.  

The recession that started in July 1990 lasted until March 1991. This was reflected in the economic indicators of 1991. The GDP rose 0.2 percent, a small improvement from 1990 where the GDP was in the negative—a -0.1 percent decline. Unemployment rates for the year were 6.8 percent and increased from the previous year. The Federal Reserve lowered the interest rate to 3.5 percent, the lowest since 1964. But, the effort to revitalize

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68 Ibid., 35.
the economy did not produce a quick recovery. In 1992, another interest rate reduction occurred, bringing the rate to 3 percent.\(^69\)

For 1992, the economy showed a disappointing recovery. The GDP increased 2.9 percent; unemployment rose to 7.7 percent in June (leveling to a 7.5 percent for the year), and the CPI decreased to an annual rate of 3.1 percent.\(^70\) At the beginning of his presidency in 1989, George H. Bush received a federal debt of $2.8 trillion dollars; by the end of 1992, the debt was $4.6 trillion.\(^71\)

**William J. Clinton, 1993-2001**

From the beginning of his administration, President Clinton committed to reducing the Federal deficit and improving the economy.

To renew America, we must be bold. We must do what no generation has had to do before. We must invest more in our own people, in their jobs, and in their future, and at the same time, cut our massive debt. And we must do so in a world in which we must compete for every opportunity. It will not be easy. It will require sacrifice, but it can be done and done fairly, not choosing sacrifice for its own sake but for our own sake. We must provide for our Nation the way a family provides for its children.\(^72\)

In 1993, the economy improved in the second half of the year and interest rates were at their lowest since 1968. This benefitted the housing sector with a 25 percent


growth. Unemployment improved from 7.5 percent in 1992 to 6.9 percent in 1993. The GDP stayed almost the same as in the previous year, with a 2.8 percent growth. The inflation in 1993 was 3 percent, a small decrease compared to 3.1 in the previous year.\(^73\)

President Clinton took a political risk sending Congress a budget that had deficit reductions, as well as tax increases for the wealthy.

The plan I offer you has four fundamental components. First, it shifts our emphasis in public and private spending from consumption to investment, initially by jumpstarting the economy in the short term and investing in our people, their jobs, and their incomes over the long run. Second, it changes the rhetoric of the past into the actions of the present by honoring work and families in every part of our public decision-making. Third, it substantially reduces the Federal deficit honestly and credibly by using in the beginning the most conservative estimates of Government revenues, not, as the executive branch has done so often in the past, using the most optimistic ones. And finally, it seeks to earn the trust of the American people by paying for these plans first with cuts in Government waste and efficiency; second, with cuts, not gimmicks, in Government spending; and by fairness, for a change, in the way additional burdens are borne.\(^74\)

On August 5, 1993, the Democratic congressional majority passed the *Omnibus Budget Reconciliation Act* for fiscal year 1994 (Public Law 103-66), which was signed into law by President Clinton on August 10.\(^75\) This act was different from the 1990 act of the same name because one, it was passed via a different president and two, entailed a


deficit reduction goal and with higher taxes for high income earners. The budget depended on tax increases to make the deficit reduction so the president had to compromise in some areas, for example, on energy tax and less spending in social programs.76

Clinton did not take further steps to cut the federal deficit for the 1995 fiscal budget. He focused on redistributing the allocations, increasing education, job training, and health care.77 In 1994, the GDP increased to 4 percent and unemployment decreased to 6.1 percent with 3.5 million more jobs. The CPI declined to 2.7 percent. Even though the interest rates were higher, the housing industry showed a 1.9 percent growth with housing starts of 1.5 million units.78

In 1995, the economy continued showing signs of sustained growth. For example the unemployment rate decreased to 5.6 percent and inflation went down to 2.5 percent. The GDP remained stable at 2.5 percent. The housing industry had a decline in the first half of the year but quickly improved during the second half. Most importantly, the federal deficit went down, for the third year, to $164 billion from $290 billion in 1992.79

The November 1994 elections changed the balance of Congress, giving control to the Republicans. President Clinton’s agenda of balancing the budget became a priority


77 Ibid., 59.


for Republicans. There were two partial government shutdowns during 1995, which the
economy quickly rebounded. The GDP was 2.8 percent, the average inflation rate was 2.6
percent for the year, and unemployment was down to 5.4 percent. The contained inflation
and low unemployment were signs of sustained expansion. The federal deficit was
reduced to $107 billion, a 63 percent cut from the beginning of Clinton’s
administration. 80

In 1995, the congressional budget arguments—with Republicans trying to disband
social programs established during the 1930 and 1960s—left a negative impression on
voters, who decided to reelect Clinton for a second term in 1996. 81

Similarly, the economy continued moving forward during Clinton’s second term.
In 1997, the GDP increased to 3.8 percent. Unemployment decreased to 4.9 percent,
thereby creating more than 3.2 million jobs. Housing starts reached almost 1.40 million
units per year, and the CPI was 1.7 percent. 82

During the next four years, President Clinton used his veto powers to push his
agenda through a Republican-controlled Congress. A momentous occurrence during this
time was the budget agreement, which was reached in 1997 for the year 1998. 83 The

Office, 1997), 73-81.


83 An Act: To provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the
251 (August 5, 1997).
established reductions prepared the nation for its first balanced budget in twenty-five years.\textsuperscript{84}

In 1998, the foreign economic financial crisis affected the United States economy. The crisis started in Thailand and spread throughout East Asia, hitting the former Soviet countries and ending in South America with Argentina and Brazil. Nevertheless, economic growth continued due to the fiscal policies in place. For example, U. S. Aid through the International Monetary Fund, which helped stabilize the affected countries while they recovered, and American consumers who kept buying the goods produced by these countries. Furthermore, the Federal Reserve maintained steady interest rates; for the first time since 1969, the federal budget experienced a surplus, thereby increasing available capital for investments. The GDP had a slight reduction with 3.7 percent raised between the fourth quarter of 1997 and the third quarter of 1998. Unemployment went down to 4.5 percent and the inflation rate was at 1.6 percent. The house industry showed strong demand with 66.8 percent of Americans owning their home.\textsuperscript{85}

Concerns regarding hedge funds and unregulated investment companies arose when the Federal Reserve Bank of New York rescued Long-Term Capital Management, a speculative hedge fund based in Greenwich, Connecticut, from failure in September 1998. This rescue prevented many other financial firms from collapse, which could have


severely affected financial institutions. As a result, this systemic risk questioned the need for government regulations.86

Affected by changes and innovation in technology and with the help of continued fiscal discipline, the 1999 economy remained strong with the GDP increasing to 4.2 percent; unemployment reducing to 4.2 percent with the addition of 2.7 million jobs’ and an increase in the inflation rate to 2.7 percent mainly due to oil prices. With a surplus of $124 billion in the federal budget, how to spend this extra money was a big debate and the cause of much discontent between the president and the Republican Congress that requested tax cuts.87

The positive economic trend started to show signs of stress, leading to a technology bubble burst in 2000. The United States’ stock market was influenced by the over-confidence in the new high-technology industry and the promise of a high return that would eventually create thousands of new owners of the internet “dot.com” companies. With the economic slowdown, the Federal Reserve, in an effort to control inflation, increased interest rates and tightened money flow.88 During the year, the inflation rose to 3.4 percent; the GDP remained flat for the first three quarters at 4.2 percent, but unemployment stayed low at 4 percent.89

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86 Ibid., 63-66.


During the Clinton years, the country experienced the longest economic expansion in modern times. In the last year of Clinton’s presidency, the sustained economic growth started to show a softer economy, which continued to decelerate in 2001, ending ten years of uninterrupted expansion.

**George W. Bush, 2001-2009**

George W. Bush entered the presidency as the country left behind a robust economy that lasted for a long period. President Bush was resolved to stimulate the economy, encourage investments, and continue the nation’s period of economic prosperity. On February 27, 2001, President George W. Bush presented to Congress his administration goals. He indicated how the government plays an important role in the economy and how that role should be limited.

And my budget is based on that philosophy. It is reasonable, and it is responsible. It meets our obligations and funds our growing needs. We increase spending next year for Social Security and Medicare and other entitlement programs by $81 billion. We’ve increased spending for discretionary programs by a very responsible 4 percent, above the rate of inflation. My plan pays down an unprecedented amount of our national debt. And then, when money is still left over, my plan returns it to the people who earned it in the first place. ⁹⁰

But confidence in the federal budget surplus encouraged Congress to approve Bush’s personal income tax cut. ⁹¹ On June 7, 2001, President Bush signed into law the

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Economic Growth and Tax Relief Reconciliation Act of 2001. In a period of ten years, this law would cut taxes by $1.4 trillion and provide a wide range of rebates.

The economic conditions reflected the 2001 contraction with an annual GDP of 1.1 percent, an inflation rate of 2.7 percent, and climbing unemployment of 4.7 percent. The housing industry had a strong year, assisted by low mortgage rates with the first nine months of the year reporting a 5.6 percent growth.

The terrorist attacks on the United States on September 11, 2001 quickly shifted economic priorities and created new monetary challenges. The newly created 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States allocated $40 billion in assistance to victims, providing money to remove debris, and for search and rescue efforts. Furthermore, the newly created Air Transportation Safety and System Stabilization Act of 2001 provided $5 billion to aid with the air transportation system’s new security measures.


With the assistance of the Federal Reserve and the central bank, liquidity was available for the market and appropriate banking systems operations. The national economy showed resilience to the crisis, stabilizing in just a few months.\footnote{Annual Report of the Council of Economic Advisers (Washington, DC: Government Printing Office, 2002), 48-50.}

In 2002, the economy grew but with moderation as the economy was still affected by the aftermath of the September 11 attacks, bankruptcies, and corporate scandals. The telecommunication and “dot.com” internet businesses struggled to recover from the bubble bursting downturn in 2000. In addition, airlines announced massive layoffs after major companies filed for bankruptcy protection. Moreover, questionable accounting procedures in big corporations such as Enron and WorldCom led to the collapse of these institutions. The failure of both companies affected the stock market and cost investors billions of dollars in losses.\footnote{Congress and the Nation Volume XI, 2001-2004 (Washington, DC: Congressional Quarterly Service, 2006), 41.}

In 2002, the GDP had a 1.8 percent average with unemployment fluctuating between 5.5 and 6.0 percent throughout the year. Inflation was at a rate of 2.4 percent while the housing sector continued appreciating at an 8.7 percent rate in the last quarter. Low interest rates encouraged spending and promoted residential investments. Housing starts had a 6.7 percent increase in single-family homes. The years of federal budget surpluses no longer existed and in fiscal year 2002, the country returned to a budget deficit of $158 billion.\footnote{Annual Report of the Council of Economic Advisers (Washington, DC: Government Printing Office, 2003), 43-54.}
By the end of Bush’s first term, the federal government had moved from a federal budget surplus to one of the highest federal budget deficits at $412 billion in fiscal year 2004.99

In summary, the last quarter of the twentieth century provided the United States challenging economic periods, as well as extensive periods of prosperity. Each government approached its challenges with a different economic lens. Republicans preferred smaller government participation that allowed people to develop their potential and individuality. Democrats believed in the government’s role of leveling the playing field by providing support for social programs that protected the disadvantage. The current economic policies removed obstacles for companies to trade across the globe thereby benefitting private capital as the nation struggled to control its national debt.

**Political Conditions 1975-2000**

**Gerald Ford, 1974-1977**

In his autobiography, *A Time to Heal*, President Gerald R. Ford recognized that he arrived to the presidency under unique circumstances that posed great disadvantages. For instance, Ford did not have the luxury of a transition period as most presidents had. The country required immediate actions for all its previous maladies.100

Ford intended to be a straightforward president that governed for the people; wanting to restore credibility to the White House in light of Nixon’s Watergate scandal.

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Nevertheless, the positive atmosphere that reigned at the beginning of Ford’s presidency changed significantly after Nixon’s pardon was proclaimed. On September 8, 1974, President Ford announced the pardon of Richard M. Nixon of any crimes committed during his presidency. The pardon created tensions amongst Congress and the president, and generated ample criticism by the voting public for his decision. The pardon tarnished Ford’s reputation and hampered the country’s healing process. Furthermore, many suspected that former President Nixon and President Ford had a pre-established agreement regarding Nixon’s help toward Ford’s future presidency in exchange for Nixon’s future pardon.

Some observers have concluded that a deal must have been struck between the present occupant of the White House and the man who put him there—a deal that said I’ll appoint you Vice President (or I’ll resign right away and let you take over) if you’ll agree to give me a pardon before I have to tell the truth in the public courts.

The country reacted with indignation and anger towards the pardon.

The apprehension that developed between Congress and President Ford led to delayed responses from Congress on presidential initiatives—such as an extra 5 percent income tax on corporations and middle- and upper-income persons, and disagreements

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regarding foreign aid programs. Also, the vice president nomination was delayed until the very last day of the session. Moreover, before the congressional session ended, there were four overridden vetoes to President Ford’s public law vetoes.\(^\text{104}\)

During Nixon’s administration, in an effort to restrain the presidential powers and to allow Congress participation in war and peace decisions, the *War Powers Resolution* was passed on November 7, 1973.\(^\text{105}\) In the climax of the Watergate scandal, Congress approved new budget procedures legislation that restricted the decision making power of the presidency on July 12, 1974.\(^\text{106}\)

The midterm elections of 1974 proved, particularly to the Republican Party, how much damage the Watergate scandal had actually caused. The Democrats obtained 248 seats in the House of Representatives; the Republicans gained 187. In the Senate, Democrats acquired 58 seats; Republicans 42. Moreover, Democrats added four gubernatorial seats across the nation.\(^\text{107}\)

President Ford considered the defeat upsetting,


The Democrats may not have achieved their stated goal of a “veto-proof Congress,” but they had come very close, and my hands were going to be full when the Ninety-fourth Congress convened in January. But even more upsetting than the party’s defeat was the still-plummeting economy.\(^\text{108}\)

On December 31, 1974, President Ford signed two bills attempting to alleviate the deteriorating economic situation:

1. a bill that established an emergency public jobs program.\(^\text{109}\)
2. a bill that authorized an additional 13 weeks of unemployment compensation.\(^\text{110}\)

Furthermore, the United States’ energy crisis that had started in 1974 exacerbated the downward spiral of the economy. The oil crisis had drawn attention to tax incentives that the oil industry had received primarily for increasing the production and reserve of domestic oil and natural gas. After debates in the Senate’s Ways and Means Committee, the tax revision incentives were never enacted.\(^\text{111}\)

In his State of the Union Address on January 15, 1975, President Ford addressed the energy crisis, recognizing that the United States’ dependence on oil had made the country vulnerable. In efforts to reduce the United States’ need for imported goods (such

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\(^{108}\) Ford, 202.


as oil), Ford proposed to develop technology that would raise the country’s domestic supply and hopefully, increasingly reduce oil imports through the year 1977. The president also wanted to accelerate domestic coal use and nuclear power programs.112

Ford and Congress remained at a stalemate most of the year over the President’s energy program. Ford wanted to raise oil prices and deregulate natural gas prices in order to reduce the use of energy and increase domestic fuel production. Most Democrats, who outnumbered Republicans in the House of Representatives by two to one, opposed these policies as being harmful to the economy. But members could not agree among themselves on an alternative plan.113

In December 1975, the Energy Policy and Conservation Act114 was signed into law. This legislation postponed target dates of the 1970 Clean Air Act, provided economic incentives for commercialization of synthetic energy, and created an Energy Independence Authority.115

While energy crisis solutions were in discussions, the president was asked to intervene and save New York City from bankruptcy. Ford asked the mayor and the governor to find ways to solve New York’s financial misfortune. In order to prevent financial failures that could have devastating nationwide effects, pressure came from


Congress to bail out the city of New York. On October 29, President Ford commented on the possible financial assistance to New York City.

As we work with the wonderful people of New York to overcome their difficulties—and they will—we must never forget what brought this great center of human civilization to the brink.

If we go on spending more than we have, providing more benefits and more services than we can pay for, then a day of reckoning will come to Washington and the whole country just as it has to New York City.

And so, let me conclude with one question of my own: When that day of reckoning comes, who will bail out the United States of America?116

By December 9, 1975, President Ford signed a bill that provided New York City a loan of $2.3 billion with money ascertained from taxpayers.117

In the area of foreign policy, Ford’s presidency continued the course set by former President Richard Nixon, specifically by retaining Henry A. Kissinger as Secretary of State. The War Powers Act of 1973 limited the decision-making capabilities of the executive power so it was necessary to include Congress participation. Congress’ involvement in foreign policy resisted many administration requests. President Ford confronted many challenges during his administration, some of which were:

1. the final withdrawal of United States troops from Vietnam.

2. the recapture of the merchant ship Mayaguez that had fell in the hands of Cambodian communist.


3. the Angolan civil war.

4. the continuous changes in the United States and Soviet relationship.\textsuperscript{118}

As the United States continued to move toward a new world order, Ford was urged to take a more conservative position in efforts to reduce tensions with the Soviet Union and the peace accord (which ended the Vietnam War).\textsuperscript{119}

Slowly and inexorably, President Ford and the Republicans are moving to the right on the issue of the government’s role in the economy. And just as surely, the Democrats are leaning leftward on that central question. The result could be the clearest polarization on the pocketbook issue since the early years of the New Deal.\textsuperscript{120}

The last year of Ford’s presidency was characterized by tensions between the executive power and Congress. Nevertheless, the \textit{Tax Reform Act of 1976}, a major tax law revision, was signed into law on October 4, 1976.\textsuperscript{121} Another important legislation, the \textit{Public Works Employment Act of 1976}, was enacted by Congress over President Ford’s veto on July 22, 1976.\textsuperscript{122} Congress believed that further antirecession action was


\textsuperscript{119} Ibid., 970.


necessary to stimulate economic growth. The law’s goal was to create jobs to reduce
unemployment appropriating $3.7 billion for this program. 123

While creating a few new social programs, Congress insisted on
spending more than Ford wanted on existing ones. Two days before
adjourning, it quickly and easily overturned the President’s veto of an
appropriations bill boosting spending for labor, health, education and
welfare programs $4-billion above Ford’s budget.124

Hopes for change in the pending November elections had the possibility of a more
cooperative alliance between Congress and the presidency.


The November 1976 elections brought James Earl Carter to the presidency, a
southern democrat from Georgia from the same party as the majority of Congress, but
considered an outsider in Washington, DC President Carter and Congress had a difficult
relationship namely, because Carter lacked the communicative skills necessary to foster
cooperation with the legislative branch. Many believed this was because Carter
surrounded himself with advisors from the south whom he was most familiar with,
leaving out important negotiators from Washington that knew how the system worked.
This alienation proved to be difficult when Carter tried to pass important legislative
measures.125

In his first report to the American people on February 2, 1977, President Carter
spoke about the difficult economic situation the country was experiencing via the


124 Ibid., 15.

recession, inflation, and energy crisis. President Carter shared his desire to establish a national energy policy with long-term goals such as jobs creation, tax reductions, a tax system reform, government reorganization while making it open and honest, government expenses’ reduction, and welfare system reforms. But, above all, he said his primary concern was in creating jobs. 126

President Carter made many promises during his campaign and at the beginning of his term; he was unable to follow through on many of them. In less than a month, his administration’s conflicts with Congress were obvious.

The lapses of which the President was speaking were matters of courtesy and protocol, such as the failure to consult Democratic leaders as well as two committee chairmen on an emergency natural gas bill. Not only will it be easy to correct that kind of error but to do so will conform with Mr. Carter’s natural sense of courtesy. In a broader sense, however, his term of office may see the often difficult relationship between the White House and Capitol Hill subjected to very severe strains. 127

Nevertheless, there were some successes. For example:

1. President Carter proposed to Congress the creation of a new Department of Energy on March 1, 1977 with the goal of having one agency in charge of national energy policy. On August 4, 1977, Congress passed the legislation (Public Law 95-910), 128 with an initial budget of almost $10.4 billion. 129

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128 An Act: To establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes. P.L. 95–91, 95th Cong. 1st sess. 91 Stat. 565 (August 4, 1977).
2. President Carter asked legislation to amend the Social Security system. Signed on December 20, 1977 (Public Law 95-216), this law refinanced the social security system to promote financial security in retirement. President Carter guaranteed that people currently receiving social security benefits, and making contributions, would find a robust financial social security system beyond the twentieth century.

After 100 days in office, The New York Times referred to Carter as a leader that communicates with the public, but is ineffective when communicating with Congress.

But he has seemed more like a problem-solving engineer intent on making both Government and society work better rather than a social reformer articulating a philosophy of social justice or coming down hard early in his term on a cluster of programs that would give his Administration a clear-cut political definition.

During Carter’s first year, a political issue tainted his administration: a scandal caused by Bert Lance, Director of the Federal Office of Management and Budget and Carter’s personal friend, was accused of unacceptable banking and financial practices on


February 1977. The media, the public, and the business community questioned Lance’s moral position and abilities in managing the taxpayers’ money.\textsuperscript{133} By September, 1977, Lance was forced to resign, with Congress doubting Lance’s integrity and financial situation.\textsuperscript{134} Equally important was the scandal of Jimmy Carter’s younger brother, Billy, who was an American businessman and had been selling arms to Libya since 1978. This issue was an embarrassment for Jimmy Carter’s presidency as it was reported that Billy received money from the Libyan government. In July 1980, Billy Carter officially registered as an agent of the Government of Libya, which meant he had previously violated the \textit{Foreign Agents Registration Act}. The \textit{Foreign Agents Registration Act} required that individuals representing the interests of foreign powers be properly identified to the American public. President Carter entered a consent agreement that settled an investigation of his brother by the Justice Department, putting an end to what could have been a difficult political situation for the president’s re-election plans.\textsuperscript{135}

On April 18, 1977, President Carter startled Congress with the cancellation of eighteen federal water resource programs. He stated,

\begin{quote}
Today I am announcing my decision on Federal water resource programs:
— I am recommending the deletion of funds for 18 projects, at a total savings of over $2.5 billion.
— I am recommending modifications of 5 projects, at a total savings of almost $1.5 billion.
\end{quote}


— I am recommending the continuation of 9 projects without modification.
— I am recommending the development of major policy reforms in the following areas:
   1. more realistic project evaluation criteria;
   2. dam safety;
   3. cost sharing for Federal projects;
   4. water conservation; and
   5. redirected public works programs.

In balancing the budget, cutting back on inflation, and making the Federal Government more responsive to the needs of the people, difficult choices, have to be made. Activities which are wasteful, unsafe, or economically or environmentally unsound simply cannot be pursued. Water resource development programs of the Corps of Engineers, the Bureau of Reclamation, and the Tennessee Valley Authority are a case in point.136

This announcement was well-received by environmentalists, but created more tensions between senators, representatives, and the president.137

On August 6, 1977, President Carter sent Congress a proposal for welfare reform. Carter wanted to create a system that separated welfare recipients that could work from the disabled ones that could not work.138 Even though Carter made welfare reform one of his priorities for 1977, in 1978, he withdrew his welfare reform proposal in a unilateral decision.139 Instead, the Program for Better Jobs and Income (PBJI), aimed at direct job creation, became a part of the welfare reform. Later in 1978, Carter presented a less


ambitious plan for welfare reform that passed the house but did not make it through the Senate.\textsuperscript{140}

A triumph of Carter’s administration was the \textit{Airline Deregulation Act of 1978}.\textsuperscript{141} The main objective of this law was to open airline travel to the market, thereby removing government control and opened new routes and opportunities for new commercial airlines.

By 1979, Congress had a new dynamic that made the president’s job more challenging. Half of the members had been in Congress less than four years and were less responsive to presidential leadership. Congress members talked openly about limiting federal spending and controlling the government’s role. In addition, the large number of committees made it more difficult for President Carter to gain the support of Congress and get them on board with his policies to pass legislation.\textsuperscript{142}

However, Congress enacted legislation that gave more power to the federal government to play a role in businesses and people’s lives. For example:

1. The government bailed out the automaker Chrysler Corporation with a loan of $1.5 billion.

\textsuperscript{140} Ibid, 971.


2. Throughout the year, energy legislation passed as a result of the high oil prices and political events that unfolded in Iran, starting with the overthrow of the shah and ending with 50 Americans being held hostage, and ongoing energy shortages. Instead of approving laws to reduce energy consumption, Congress passed regulations to increase production.143

During late spring and early summer of 1979, the energy crisis situation burst wide open when gas pump shortages produced long lines all over the nation. In Carter’s address to the nation on energy and national goals, he spoke of the country’s problems, which he felt were beyond the lines at the gas station, energy shortages, inflation, or the recession. Carter was referring to a crisis of confidence.144 His speech, also known as The Malaise Speech, invited consumers to conserve energy and develop alternative forms of energy to reduce America’s dependence on oil.

Shortly after this speech, the president made changes in his administrative staff and changed his economic focus from unemployment to inflation.145 President Carter named Hamilton Jordan as his new Chief of Staff on July 19, 1979.

To Carter’s critics, the free-wheeling Jordan epitomized what was wrong with the administration. In addition, Jordan, who had no previous federal experience, was surrounded by controversy because of several indiscretions in his personal life. But Carter valued Jordan’s judgment and used him in a number of sensitive assignments, including the negotiations

143 Ibid, 14-17.


in 1979-80 to find a residence outside the United States for the deposed shah of Iran.\textsuperscript{146}

An important victory for President Carter was the establishment of the Department of Education (Public Law 96-88) and signed on October 17, 1979.\textsuperscript{147} The establishment of the Department of Education was a campaign promise Carter had made to the National Education Association—a 1.8 million member’s organization who supported Carter’s pursuit of the presidency.\textsuperscript{148} The Department of Education’s purpose was to manage, oversee, and coordinate all education programs while increasing accountability.

In the foreign relations area, Carter had human rights at the forefront of his agenda. For example:

1. Carter signed a treaty that would return the Panama Canal to Panama by the year 2000.

2. During his presidency, arms and airplanes were sold to Saudi Arabia, Egypt, Israel, and Libya.


\textsuperscript{147} An Act: To establish a Department of Education, and for other purposes. P.L. 96–88, 96\textsuperscript{th} Cong. 1\textsuperscript{st} sess. 93 Stat. 668. October 17, 1979.

3. President Carter tried to improve the relationship with the Soviets through the Strategic Arms Limitation Treaty (SALT II) but because of the 1979 Soviet invasion of Afghanistan, the United States did not ratify the Agreement.\textsuperscript{149}

Jimmy Carter’s last year in office continued to be challenging; namely, he was able to defeat Robert Kennedy and win the Democratic Party nomination in 1980. Furthermore, double-digit inflation and the recession took a toll on the Democrats, giving the November election victory to Ronald Reagan from the Republican Party. The Democrats also lost 12 seats in the Senate and 33 seats in the House of Representatives.\textsuperscript{150} This meant that the Republicans got control of the Senate, but not the House of Representatives. Nonetheless, national politics shifted “to the right” and the country looked for a fresh start and new leadership. The Democratic Party was divided and defeated while the Republican Party made major gains based on a unity platform that was their campaign theme.\textsuperscript{151}

**Ronald Reagan, 1981-1989**

On July 17, 1980, Ronald Reagan delivered his acceptance speech for the Republican Party as the presidential candidate. From the beginning, Reagan offered a strong stance regarding his opposition to big government, his trust in the determination of the American people, the need to fix the economic disarray that the nation was experiencing, and the value of strengthening the country’s national defense.


\textsuperscript{150} Ibid, 962-963.

\textsuperscript{151} Ibid, 22-26.
The major issue of this campaign is the direct political, personal and moral responsibility of Democratic Party leadership—in the White House and in Congress—for this unprecedented calamity which has befallen us. They tell us they have done the most that humanly could be done. They say that the United States has had its day in the sun; that our nation has passed its zenith. They expect you to tell your children that the American people no longer have the will to cope with their problems; that the future will be one of sacrifice and few opportunities.152

Reagan’s words appealed to the public, whom were desperate to find solutions to the grim economic situation that was prevalent. On November 4, 1980, Republicans won the presidency by a landslide, representing a shift of liberal voters that were traditionally loyal to the Democratic Party. Reagan won votes from many labor union members; half the nation’s Jews, Catholics and Protestants; and a third of the self-declared liberals. African Americans and other minorities remained loyal to the Democrats.153 Republicans gained control of the Senate for the first time in twenty-six years by a 53 to 46 vote.154 The House of Representatives was retained by the Democratic Party with 242 Democrats, 192 Republicans, and 1 independent.155

In his inaugural address, President Reagan insisted in the need to control government so that the American people, with their hard work and free spirits, could control the high cost of living.


In this present crisis, government is not the solution to our problem; government is the problem. From time to time we’ve been tempted to believe that society has become too complex to be managed by self-rule, that government by an elite group is superior to government for, by, and of the people. Well, if no one among us is capable of governing himself, then who among us has the capacity to govern someone else? All of us together, in and out of government, must bear the burden. The solutions we seek must be equitable, with no one group singled out to pay a higher price.  

Reagan’s positive political momentum allowed him to cut expenses in domestic social programs, cut taxes, and increase defense spending. By the end of 1981, after the oil crisis of 1979 and the measures to control inflation (established by the Federal Reserve System) had negatively affected the economy, the country experienced its worst recession since 1929. However, it quickly recuperated in 1983, but with a record high budget deficit. Debates with Congress were primarily related to tense budget negotiations since further cuts would have impacted middle class citizens. The federal defense budgets for fiscal years 1982 through 1984 received around $15 billion cuts. For most of Reagan’s first term, economic concerns occupied Congress’ agenda, leaving little room for new items, while trying to preserve existing programs.  

The economic uncertainties in 1982 affected the outcome of the midterm elections—the president’s Republican Party lost twenty-six House of Representative seats. In the Senate, the situation remained mostly unchanged with the Republican Party

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winning one more seat and thereby producing a ratio of 54 to 46. At the state races, the
Democratic Party had control over 34 states.\textsuperscript{158}

In 1983, bipartisan agreements led to three important pieces of legislation:

- Emergency Jobs Appropriation
- Social Security Amendments
- War Powers Resolution

\textbf{Emergency Jobs Appropriation.} On March 24, 1983, President Reagan signed
into law a major job legislation—Public Law 98-8.\textsuperscript{159} The bill’s objectives were to create
about 400,000 jobs in a variety of government programs, concentrate on public works
such as flood control and sewer construction, repair federal buildings, improve railroads
and transit, and allocate assistance to poor families that needed help with their home
insulation. In addition, it would provide extra unemployment funds in severely affected
areas. The Democrats considered this government assistance a first step in providing
relief to hard hit families across the nation even though the president could decide not to
support further assistance.\textsuperscript{160}

\textsuperscript{158} Ibid, 11-12.

\textsuperscript{159} \textit{An Act: Making appropriations to provide productive employment for hundreds of thousands of
jobless Americans, to hasten or initiate Federal projects and construction of lasting value to the Nation and
its citizens, and to provide humanitarian assistance to the indigent for fiscal year 1983, and for other
purposes.} Public Law 98-8, 98 Cong. 1\textsuperscript{st} sess. 97 Stat. 13 (March 24, 1983).

\textsuperscript{160} Steven V. Robert, “President Signs a $4.6 Billion Job Bill,” \textit{The New York Times}, March 25,
1983, B16.
Social Security Amendments. In the same way, bipartisan collaboration led to legislation that would provide the Social Security System solvency for the next seventy-five years. The Social Security Amendment of 1983 was signed on April 20, providing solvency to the Social Security System and helping to repair Reagan’s image among older Americans constituents. It also raised the retirement age and changed the benefits calculations due to inflation.

War Powers Resolution. In 1983, another important bill was signed by Congress—the War Powers Resolution. This was not an amendment to the law but rather a separate measure regarding the withdrawal of troops. The law limited Reagan’s power to keep marines in Lebanon for 18 months.

Congress asserted in the legislation, which Mr. Reagan signed October 12, that any substantial expansion in the number or role of United States armed forces in Lebanon would require a new approval from Congress. Mr. Reagan had earlier said that “it would be my intention” to comply with the requirement.


During 1984, Congress did not want to address issues that could compromise the election’s results; so much so that the massive deficit discussion was moved to the 1985 agenda.

Reagan won the reelection with 59 percent of the popular vote, winning in 49 states. Nonetheless, the Democratic Party was able to uphold its dominance in the House of Representatives. In the Senate, the Democrats made a few gains, changing a conservative chamber into a more moderate one.

If all politics really were local, as the saying goes, we would be congratulating the Democrats today. They came out of the 1984 election securely in control of most city and county governments, state legislatures, two-thirds of the governorships, the national House of Representatives (for the 33rd and 34th consecutive years), and even managed to increase their strength in the Senate in the face of President Reagan’s landslide.

During Reagan’s second term, Congress grew more independent from the presidency by creating its own agenda to reduce the federal deficit. Eventually, they reached a compromise that included deficit reductions and new taxes.

During this period, a few landmark legislations were signed:

- the Immigration Reform and Control Act of 1986
- the Anti-Drug Abuse Act of 1986
- changes to the Family Support Act of 1988

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Immigration Reform and Control Act of 1986. The new immigration law, Immigration Reform and Control Act of 1986,\(^{168}\) signed by President Reagan on November 6, 1986 gave a pathway to illegal aliens to become legal if they could prove they had been in the United States before January 1, 1982, and penalized employers who consciously hired illegally immigrants. Wyoming Senator Alan Simpson commented that, “it was a humane approach to immigration reform.” New York Representative Charles Schumer felt it was a risky endeavor and that, “We are headed into uncharted waters.” Reagan saw the legislation as “the most comprehensive reform of our immigration laws since 1952.”\(^{169}\)

Anti-Drug Abuse Act of 1986. Furthermore, Reagan signed into law a drug bill, the Anti-Drug Abuse Act of 1986,\(^{170}\) which penalized drug users by imposing harder sanctions and allocating funds to eradicate illegal drugs. Reagan emphasized that federal enforcement needed to be supported by all members of society in order to be effective.\(^{171}\)


At the same time, the midterm elections gave the Democrats a 258 to 177 advantage in the House of Representatives; in the Senate, Democrats obtained the majority by 55 to 45; in the gubernatorial races, the Republicans made gains narrowing the differences to 26 to 24 governorships. Democrats had control of 28 states’ legislatures. For 1987, the Democratic Party controlled both houses, the Senate and the House of Representatives.\textsuperscript{172}

During the 1988 election year, Congress cleared important legislation—but not the kind that changed policies for generations. For example, on July 1, 1988, an expansion of Medicare services became law under the \textit{Medicare Catastrophic Coverage Act of 1988}.\textsuperscript{173} This was the biggest change to the Medicare program since 1973, when benefits were extended to people with disabilities or people with chronic renal disease. The new coverage would cost around $30.8 billion during a five year period.\textsuperscript{174}

\textbf{Family Support Act of 1988.} Another legislation passed was the \textit{Family Support Act of 1988}, which was a welfare reform law.\textsuperscript{175} The law provided education, training,
and other work-related services for families on public assistance. It also created new provisions for families with dependent children and child support enforcement programs. For example, wages could be automatically withheld for child support. It also allowed a two-parent, low-income family to receive welfare benefits. The main goal was to move families from public assistance to jobs in the private sector.\textsuperscript{176}

The independent minded Congress rejected the president’s veto for the \textit{Clean Water Act} and passed the bill. The law approved $20 billion worth of assistance to communities to build sewage treatment plant, additional pollution control programs, and funds for cleaning waterways.\textsuperscript{177} President Reagan publicly acknowledged that his veto would be overridden, but he wanted to stress his opposition to any increase in domestic spending.\textsuperscript{178}

Regardless of the tensions between Congress, and the White House’s reluctance to compromise, Vice President George Bush was elected president with 54 percent of the votes. In any case, the Democrats kept control of Congress, 55–45 in the Senate and 260–175 in the House of Representatives.\textsuperscript{179}

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George H. Bush, 1989-1993

At the beginning of George H. Bush’s presidency, he promised to work closely with Congress. Instead, throughout his administration, he found himself in constant arguments with the Democratic Congress.

We need a new engagement, too, between the Executive and the Congress. The challenges before us will be thrashed out with the House and the Senate. And we must bring the Federal budget into balance. And we must ensure that America stands before the world united, strong, at peace, and fiscally sound. But of course things may be difficult. We need to compromise; we've had dissension. We need harmony; we've had a chorus of discordant voices.

For Congress, too, has changed in our time. There has grown a certain divisiveness. We have seen the hard looks and heard the statements in which not each other's ideas are challenged but each other's motives. And our great parties have too often been far apart and untrusting of each other. It's been this way since Vietnam. That war cleaves us still. But, friends, that war began in earnest a quarter of a century ago, and surely the statute of limitation has been reached. This is a fact: The final lesson of Vietnam is that no great nation can long afford to be sundered by a memory. A new breeze is blowing, and the old bipartisanship must be made new again.

To my friends, and, yes, I do mean friends—in the loyal opposition and, yes, I mean loyal—I put out my hand. I am putting out my hand to you, Mr. Majority Leader. For this is the thing: This is the age of the offered hand. And we can't turn back clocks, and I don't want to. But when our fathers were young, Mr. Speaker, our differences ended at the water's edge. And we don't wish to turn back time, but when our mothers were young, Mr. Majority Leader, the Congress and the Executive were capable of working together to produce a budget on which this nation could live. Let us negotiate soon and hard. But in the end, let us produce. The American people await action. They didn't send us here to bicker. They ask us to rise above the merely partisan. “In crucial things, unity”—and this, my friends, is crucial.180

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President Bush’s administration saw the collapse of the communist block and the fall of the Berlin Wall. These changes in foreign affairs was confronted by the sluggish economy, increased unemployment in the domestic front, and political scandals that led, for the first time in United States history, to the resignation of a Speaker of the House, Jim Wright, who was under investigation by the House Ethics Committee. Wright violated the House of Representatives rules sixty-nine times. Yet another scandal was the 51 percent pay raise that Congress attempted to pass. Ultimately, the salary increase was approved for 10 percent and signed by the president on November 30, 1989.\footnote{Leadership Turmoil Marks First Session,” in CQ Almanac 1989, 45th ed., 3-9. Washington, DC: Congressional Quarterly, 1990. http://library.cqpress.com/cqalmanac/cqal89-1137680 (accessed November 11, 2011).}

the Iraqi leader, Saddam Hussein, who was supported by the Reagan–Bush administration, was not removed from power.

The year as a whole was characterized by conflicts amongst Congress and the White House. Budget talks became a point of discontent as both parties struggled to find a common goal for the deficit reduction and budget cuts.

As far as Democrats are concerned, the first move is up to the Administration. What they expect is an Administration proposal showing the spending cuts and tax increases that would be needed to slash $45 billion to $60 billion from the deficit in the fiscal year 1991 and at least that much in each of the next five years.185

In August 18, 1988, during his acceptance speech as the presidential candidate for the Republican Party, George H. Bush promised “no new taxes.” This affirmation gave Bush a considerable advantage against the Democrats. Later, President Bush lost many voters after breaking his promise of “no new taxes” on June 26, 1990.

It is clear to me that both the size of the deficit problem and the need for a package that can be enacted require all of the following: entitlement and mandatory program reform, tax revenue increases, growth incentives, discretionary spending reductions, orderly reductions in defense expenditures, and budget process reform to assure that any bipartisan agreement is enforceable, and that the deficit problem is brought under responsible control. The bipartisan leadership agree with me on these points.186


The midterm election was a disappointment for Republicans, the 55-45 Democratic majority changed to a 44-56 in the Senate. In the House of Representatives, the Democrats won nine seats.\textsuperscript{187}

In 1991, Bush nominated Clarence Thomas for the Supreme Court. Thomas’ confirmation hearings were tarnished by the scandal of sexual harassment to attorney and law professor, Anita Hill. In the end, Thomas was confirmed to succeed Supreme Court Justice, Thurgood Marshall, on October 15, 1991. When Anita Hill was called to testify at Thomas’ confirmation hearings, Thomas shocked the court when he accused the committee of lynching him.

The lynching analogy, intended to distress everyone, had greater and more immediate impact than Willie Horton, aimed mainly at whites. The Judiciary Committee Democrats, already sensitive about the panel’s resemblance to an all-white jury, seemed deflated. Liberal lobbyists who had worked furiously against Judge Thomas were suddenly equated with a lynch mob. African-Americans, mindful of their ancestors swinging dead from trees, relinquished objections to the appointment.\textsuperscript{188}

As an outcome, the Anita Hill–Clarence Thomas case advanced the cause of women’s discrimination at the workplace by opening the issue of sexual harassment at a much larger scale.

During that fight, senators on both sides agreed that laws against sexual harassment and other discrimination need fixing—as reflected by the wave of sympathy aroused among many women by the testimony of Anita Hill. Because of gaps and Supreme Court misinterpretations of civil


rights laws, the remedies available to many women and minorities are severely limited.\(^{189}\)

In the last year of the Bush administration, Congress’ approval of new legislation was narrow. A major accomplishment was the approval of new regulations for energy and cable television.\(^{190}\) Finally, after refusing twice to extend unemployment benefits, unemployment had reached a 7.8 percent rate; President Bush signed legislation extending unemployment benefits.\(^{191}\)

The gridlock in Congress and the lack of a cohesive domestic and economic policy contributed to George H. Bush’s path through the White House as a one-term president. Bush seemed to be out of touch with reality and did not recognize how severely the poor economy was affecting middle class and the poor.\(^{192}\)

With the 1992 presidential elections came victory to democratic president William J. Clinton, as well as the Democratic Party, as control of the White House and Congress was won. This ended twelve years of Republican dominance.

**William J. Clinton, 1993-2001**

With the struggling economy, President Bill Clinton’s promise of change presented an option for anxious voters who saw their financial situation deteriorating.

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Clinton arrived to the presidency with a Democrat majority in both chambers of Congress. The Democrats’ dominance in Congress helped pass legislation that had been blocked by Republicans, although this was not the case for the health care reform goal set by the administration.

In 1992, we spent 14 percent of our income on health care, more than 30 percent more than any other country in the world, and yet we were the only advanced nation that did not provide a basic package of health care benefits to all of its citizens. Unless we change the present pattern, 50 percent of the growth in the deficit between now and the year 2000 will be in health care costs. By the year 2000, almost 20 percent of our income will be in health care. Our families will never be secure, our businesses will never be strong, and our Government will never again be fully solvent until we tackle the health care crisis. We must do it this year.193

In addition to signing legislation that would reduce the budget deficit, President Clinton signed the North Atlantic Free Trade Agreement (NAFTA) on January 1, 1994. This pact among Canada, Mexico, and the United States removed tariffs and other trade barriers for these countries. Furthermore, in September of 1994, a long awaited crime bill passed Congress.194 Law and order issues, traditionally, had been the domain of local authorities and states, but now had become a political issue with relevance for both


parties. The new crime legislation included gun control measures and crime prevention.\textsuperscript{195}

President Clinton was able to fill two Supreme Court positions. The first one became available when Justice Byron White retired in 1993 and Clinton named Ruth Bader Ginsburg to the post. Ginsburg advocated for women’s rights but had a more conservative position in other areas. She was the second woman in the Supreme Court. Later in 1994, President Clinton selected Stephen Breyer as a replacement for retiring Justice Harry Blackmun. Although Breyer had conservative opinions on criminal law, he upheld a moderate liberal record.\textsuperscript{196}

In the midterm elections, the Republicans took control of the House of Representatives with Newt Gingrich as the Speaker of the House. Gingrich engaged in negative radical politics that later led to an investigation and questioning by the House Ethics Committee for ethics rule violations and federal tax laws infringements. The Senate was also controlled by the Republicans with Senator Robert Dole as the majority leader. Due to political antagonism, and the Democrats versus Republicans struggles for power, the Senate did not work collaboratively with the White House. Senator Dole was interested in propelling his presidential candidacy so eventually, in June 1996, left the Senate to run for president as the candidate of the Republican Party.\textsuperscript{197}


\textsuperscript{196} Ibid, 934-936.

\textsuperscript{197} Ibid, 3-4.
Bill Clinton was able to portray a role against Republicans that advocated for social programs. During the budget wars in 1995, Republicans insisted on a tax break for the wealthiest Americans, at the expense of eliminating social programs for senior citizens and the disadvantaged.

Polls have shown that Mr. Clinton’s popularity and political standing have soared since the budget debate began and that a majority of those people surveyed blamed the Republicans for the programs with the negotiations.198

On November 14, 1995, Congress’ negotiations with President Clinton broke down after he vetoed the spending bill that the Republican Congress had sent. Arguments centered on allocations for Medicare, the environment, education, and Congress’ interest in passing its own agenda. A shutdown occurred, which sent federal workers home for days with no pay. Yet another shutdown occurred when budget talks collapsed on December 15, 1995; this time, workers were on furlough for 21 days.199 These shutdowns were highly criticized by the press; the Republicans, while exposing the Republicans’ agenda, clearly stated its divide between the two parties.

The Republicans want to diminish the importance of the Federal Government in American life. The President does not, and, in some instances, would expand the Government’s role.

Thus, the Republicans want not only to restrain spending but to cut taxes as well. They want to convert Medicare eventually to a voucher system in which the Government would give retirees money with which to purchase their own health insurance. They would also give the states primary responsibility for Medicaid and cash assistance, limit Federal


contributions to other programs for the poor like food stamps, cut spending for education, weaken a variety of environmental safeguards, permit much more commercial development and use of Government land, cut Government research programs, and give the Government less say about what farmers produce.\textsuperscript{200}

The acrimonious relationship amongst the members of both parties turned into a compromise in January 1996. Nevertheless, one of Clinton’s accomplishments during this year was the \textit{Safe Drinking Water Act},\textsuperscript{201} which was initially passed by President Ford in 1974, amended by President Reagan in 1986, and now amended by President Clinton in 1996. Later, during his second term, the Clinton accumulated a strong conservation record that included stricter air pollution controls, more protection for wild areas, and national forests and parks.\textsuperscript{202} (Influenced by Vice President Al Gore, President Clinton embraced the global warming cause. His administration allocated more than $13 billion dollars for research on climate change and the beautification and preservation of the national forests and parks.

Clinton’s political skills were underestimated by the Republicans. For instance, Clinton gained 47.4 million votes in 1996—almost 2.5 million more than what he received in 1992. Furthermore, with the electoral vote:

\begin{itemize}
\item \textsuperscript{201} \textit{An Act: To reauthorize and amend title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”), and for other purposes}. Public Law 104–182, 104 Cong. 2\textsuperscript{nd} sess. 110 Stat. 1613 (August 6, 1996). http://www.heinonline.org_FLAGSHIP_LUC.EDU/HOL/Page?handle=hein.statute/sal110&id=2083&collection=statute/sal (accessed November 29, 2011).
\end{itemize}
Clinton received 127 votes on the East Coast while Senator Bob Dole (Kansas), who was the Republican presidential nominee, received 0.

Clinton received 100 votes in the Midwestern region, while Dole received 29.

Clinton received 59 votes in the southern region, while Dole received 104.

Clinton received 93 votes in the Western region, while Dole received 26.

Nationally, Clinton received 379 electoral votes and Dole received 159. This meant that Clinton was able to lead the election race and win re-election with more votes than what he received in 1992. The Senate remained with a Republican majority—55 to 45. In the House of Representatives, there were 227 Republicans and 207 Democrats.\(^{203}\)

In Clinton’s inaugural address, he invited Congress to work collaboratively to continue moving America toward prosperity without forgetting the importance of human conditions.

The American people returned to office a President of one party and a Congress of another. Surely they did not do this to advance the politics of petty bickering and extreme partisanship they plainly deplore. No, they call on us instead to be repairers of the breach and to move on with America's mission. America demands and deserves big things from us, and nothing big ever came from being small. Let us remember the timeless wisdom of Cardinal Bernardin, when facing the end of his own life. He said, “It is wrong to waste the precious gift of time on acrimony and division.”\(^{204}\)

During Clinton’s second term, which began in January 20, 1997, President Clinton made small gains such as getting a bigger budget for education and tax-incentives...


for the lowest income bracket. Regardless of Clinton’s health care reform failure during his first term, he was able to provide health coverage for children of low-income families in the second term. The sharp division between the Democrats and Republicans was eventually worked out through moderation and compromise. The president took a center political position that allowed him to attract voters in the middle, while still carry on programs for the poor. But by far, Clinton’s biggest accomplishment of this period was the balanced budget in fiscal year 1998—which was the biggest tax cuts since President Reagan was in office.\textsuperscript{205}

As the curtains of the cold war dissipated, Clinton was able to open the markets for the benefit of United States companies. This process, known as globalization, brought on an agreement in 1997 that gave China trade status with the United States. Later, in 2000, China obtained the same tariff rates as other trading partners. Strong opposition to this accord came from environmental lobbyists and labor unions that saw environmental concerns and jobs going abroad.\textsuperscript{206}

Clinton’s second term was also notorious for the presidential misconduct investigations. In 1998, Clinton’s scandal of an affair with a White House intern half his age led Republicans to impeach him for perjury and obstruction of justice—something the Republicans were hoping would remove Clinton from office. Even though Clinton


\textsuperscript{206} Ibid., 800-801.
was impeached by the House of Representatives, the Senate’s lack of support produced his acquittal.\footnote{207} 

After the Senate trial, the president and the Republican-led congress showed even less inclination than in the past to try to compromise with each other. As a result, none of the major initiatives that Clinton outlined in his State of the Union—overhauling Social Security and Medicare, raising the minimum wage, tightening regulation of health maintenance organizations (HMOs), or raising tobacco-related revenue—became law. Few ever came up for vote.\footnote{208} 

President Clinton used his veto power with great agility. During his two terms in the White House, he vetoed 37 pieces of legislation—two of which were overridden by Congress. Through executive orders and regulations, Clinton was able to put in practice his agenda, for example, protection privacy of medical records (known as the HIPPA law) and new workplace safety rules.\footnote{209} 

Referring to Clinton, former New York City mayor, Edward Koch said, “He used the veto to prevent the Republicans from imposing unfair burdens and from eliminating existing benefits.”\footnote{210} 

The 2000 elections were a close call for president-elect Bill Clinton. The Republican candidate, George W. Bush, won the presidential election against Al Gore, the Democratic candidate, after the Supreme Court ruled in a 5 to 4 vote and stopped a controversial recount of mishandled Florida votes.


\footnote{209} Ibid., 4.

\footnote{210} Purdum, 1.
The United States Supreme Court has brought the presidential election to a conclusion in favor of Gov. George W. Bush, but its decision to bar a recount in Florida comes at considerable cost to the public trust and the tradition of fair elections.211

In the Senate, votes were split evenly between Democrats and Republicans. Since Vice President Richard Cheney would be the tiebreaker, the Republicans maintained their majority in the Senate. In the House of Representatives, the Republicans kept the majority with a narrow margin of 221 to 212 Democrats and 2 independents.212

George W. Bush, 2001-2009

George W. Bush’s presidential status came with high political costs, creating greater divisions in an already divided Congress.

Finally, these will be remembered as days of bitterness between Republicans and Democrats. We will not know for some time whether that bitterness will usher in a period of ruinous conflict capable of tying up Congress and hobbling a new president.213

Bush’s administration began with an unstable atmosphere and tension. On February 27, 2001, Bush presented Congress with his administration goals. He placed education, Medicare prescription drugs benefits, and tax cuts as his top priorities.214 Bush was able to pass all three legislations that pertained to his goals during his first term.


213 “The Court Rules for Mr. Bush,” A34.

Before the September 11, 2001 attacks, Congress was in a stalemate situation regarding his tax and education plans. In some instances, Bush would ask the public to press Congress for specific legislation.

Stepping up his use of the bully pulpit, President Bush exhorted the public today to try to persuade Congress to back his tax and education plans.

In his weekly radio address, Mr. Bush directed people to a Web site (www.bushtaxrelief.com) to learn where their representatives are holding town hall meetings next week on the budget.215

Originally, Bush planned to focus his administration on the domestic front. However, the September 11 attacks changed not only his course of action, but also, his presidency, declaring his presidency as a “war presidency,” showcasing a conservative ideology and embracing a “global war on terror.”216

After the attacks, bipartisan support produced a change in the Congressional agenda. Legislators in the House of Representatives and the Senate created a common front to support Bush.

Dozens of members of Congress from both parties stood side by side on the East Front of the Capitol tonight and declared they would stand united behind President Bush and not bow to an attack on the nation’s freedom.217

On September 20, 2001, President Bush addressed Congress in what many considered his most important speech.


I thank the Congress for its leadership at such an important time. All of America was touched, on the evening of the tragedy, to see Republicans and Democrats joined together on the steps of this Capitol, singing “God Bless America.” And you did more than sing; you acted, by delivering $40 billion to rebuild our communities and meet the needs of our military.\footnote{218 George W. Bush, Address Before a Joint Session of the Congress on the United States Response to the Terrorist Attacks of September 11. September 20, 2001. http://www.presidency.ucsb.edu/ws/index.php?pid=64731&st=&st1=#axzz1fUdbjZTt (accessed December 3, 2011).}

As a result of the September 11 attacks, Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism, commonly known as the \textit{USA Patriot Act} on October 26, 2001. This legislation intended to stop and penalize terrorist acts against the United States and in other parts of the world, compromising civil liberties for the cause of national security. It allowed government enforcement agencies to invade private telephone communications, e-mails, and financial records for the purposes of obstructing any future terrorist acts.\footnote{219 \textit{An Act: To deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.} Public Law 107–56, 107 Cong. 1\textsuperscript{st} sess. 115 Stat. 272 (October 26, 2001). http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein.statute/sal115&id=296&collection=ssl &index=statute/sal (accessed December 3, 2011).}

Days after September 11, President Bush created, by executive order, the Office of Homeland Security. Moreover, on November 19, 2001, measures to secure air travel came into place with the creation of the Transportation Security Administration (TSA) as part of the Department of Transportation.\footnote{220 \textit{An Act: To improve aviation security, and for other purposes.} Public Law 107–71, 107 Cong. 1\textsuperscript{st} sess. 115 Stat. 597 (November 19, 2001). http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein.statute/sal115&id=296&collection=ssl &index=statute/sal (accessed December 3, 2011).}
the creation of the Department of Homeland Security,\textsuperscript{221} which absorbed the TSA. It placed almost twenty-one agencies under the same umbrella making it the biggest government reform of the twenty-first century.\textsuperscript{222}

Regardless of the support that Bush received by Congress after the terrorist attacks, the narrow divisions in the Senate and the House of Representatives did not lead to cooperation. Each party used their energy trying to satisfy their constituency in hopes for better results at the polls during the midterm elections. The Republicans seemed to have benefitted the most from the events of the first term as George W. Bush was re-elected to a second term.\textsuperscript{223}

**Social Conditions 1975-2000**

During the last quarter of the twentieth century, the United States’ social conditions changed dramatically when compared with the liberal agenda of the previous twenty-five years. As the country moved into economic prosperity, different social groups claimed validation of their rights. The forces that controlled power and the structure for change shifted toward “the right” because people were not eager to level the playing field and grass root movements did not receive the same positive response as the Civil Rights Movement of the 1960s. Nevertheless, change was in motion and America


\textsuperscript{222} Congress and the Nation Volume XI, 2001-2004, Politics and Policy in the 107\textsuperscript{th} and 108\textsuperscript{th} Congresses (Washington, DC: Congressional Quarterly Inc., 2006), 13.

\textsuperscript{223} Ibid., 7.
moved forward, but the gap between the rich and the poor widened and remained. Still now, the United States continues to experience an uneven distribution of wealth.

**Gerald Ford, 1974-1977**

The economic crisis, along with the Watergate scandal, set the stage for a social climate that placed many families in government assistance programs. Concurrently, this was a time when Ford’s administration tried severing existing poverty programs.

The executive branch concentrated on reducing welfare costs through tighter administration. The major accomplishments on Capitol Hill were a four-year extension of the federal food stamps program; the dismantling of the Office of Economic Opportunity (OEO), a holdover from the Great Society days of President Johnson; and an 11 percent boost in Social Security benefits coupled with a change in the mechanism for automatic cost-of-living increases.224

President Ford did not believe that government-run social programs were the solution to poverty. Instead, he saw the need to revise and consolidate existing programs. In his January 19, 1976, State of the Union Address, the president expressed his disappointment regarding the welfare system. He shared his concerns.

Complex welfare programs cannot be reformed overnight. Surely we cannot simply dump welfare into the laps of the 50 States, their local taxpayers, or their private charities, and just walk away from it. Nor is it the right time for massive and sweeping changes while we are still recovering from the recession.

Nevertheless, there are still plenty of improvements that we can make.225


Regardless of the Ford administration’s efforts to cut the budget and limit eligibility for welfare recipients, the difficult economic times placed any welfare system overhaul as a low priority. During this time, high unemployment rates increased the number of food stamp recipients to more than 19 million in 1975.\textsuperscript{226}

At the same time, efforts from consumer advocates to pass legislation that protected consumers, improved the safety and quality of products, and promoted competition never got Nixon or Ford’s approval. During the presidential campaign, grassroots consumer groups advocated for Jimmy Carter based on his support for consumer activists.

“The choice is clear,” the group said. “Gerald Ford as President said he would veto the Consumer Protection Agency; Jimmy Carter will not only sign the bill, but also put his Administration behind the legislation on the Hill.”\textsuperscript{227}

Most consumer groups believed that President Ford had his business interests at heart instead of consumers’ well-being, which promoted the principles of a democratic society.\textsuperscript{228}

Regarding the federal housing program, the Republican presidencies, Nixon as well as Ford, had different views than the Johnson administration. Thus, subsidized housing for the poor was no longer an accepted policy. In August 15, 1974, Public Law


93-383\textsuperscript{229} was passed, which focused on rental supplements for low-and moderate-income families.\textsuperscript{230}

Equally important was the fact that despite billions of dollars spent, crime prevention by the federal government was not successful. President Ford believed that the responsibility rested in the hands of state and local authorities. He also thought that the focus should be on the victim of criminal acts and not on the criminal.

We have seen how lawbreaking by officials can be stopped by the proper functioning of our basic institutions—executive, legislative, and judicial branches. But America has been far from successful in dealing with the sort of crime that obsesses America day and night. I mean street crime, crime that invades our neighborhoods and our homes—murders, robberies, rapes, muggings, holdups, break-ins—the kind of brutal violence that makes us fearful of strangers and afraid to go out at night.

In thinking about this problem, I do not seek vindictive punishment of the criminal, but protection of the innocent victim. The victims are my primary concern. That is why I do not talk about law and order, and why I return to the constitutional phrase—insuring domestic tranquility.\textsuperscript{231}

Despite two attempts to assassinate President Ford, both within three weeks of each other, Congress did not pass law proposals for gun control and law enforcement.\textsuperscript{232}

Furthermore, no new legislation for civil rights emerged. Actually, during Ford’s


\textsuperscript{231} Gerald R. Ford, Address at the Yale University Law School Sesquicentennial Convocation Dinner, April 25, 1975.

presidency, the enforcement of existing civil rights laws relaxed, other than for two important pieces of legislation. One was the extension of the Voting Rights Act of 1965 (P.L.94-73), approved on August 6, 1975.\footnote{An Act: To amend the Voting Rights Act of 1965 to extend certain provisions for an additional seven years, to make permanent the ban against certain prerequisites to voting, and for other purposes. P. L. 94–73, 94 Cong. 1st sess. 89 Stat. 400 (August 6, 1975). http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein.statute/sal089&id=460&collection=ssl&index=statute/sal#460 (accessed July 29, 2011).} This law eliminated any testing device or prerequisite as a qualification for suffrage and required language accommodations when 5 percent of voters were of a single language minority group, as determined by the U.S. Census Bureau. Two is the women’s liberation movement that made significant progress with Title V of the Equal Credit Opportunity Act of 1974.\footnote{An Act: To increase deposit insurance from $20,000 to $40,000, to provide full insurance for public unit deposits of $100,000 per account, to establish a National Commission on Electronic Fund Transfers, and for other purposes. P.L.93–495, 88 Stat. 1521 (October 28, 1974). http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein.statute/sal088&id=1692&collection=ssl&index=statute/sal#1713 (accessed July 29, 2011).} This law required financial institutions to make credit available to all applicants, regardless of sex or marital status.

One-time First Lady, Betty Ford, lobbied to ratify the Equal Rights Amendment, but to no avail. She publicly expressed her pro-choice opinion.

> I suppose they say I’m cracking up because of the fact that I express myself. Because I’ll come out and say I’m for ERA or abortion . . . but criticism doesn’t bother me if I know I’m right or Jerry’s right. It would only bother me if I knew we were wrong.\footnote{Sally Quinn, “Betty Ford: Speaking Out Without Speaking Up,” The Washington Post, September 18, 1974.}

The abortion rights opposition grew stronger during Ford’s administration.

Finally, in 1976, the House of Representatives and Senate reached a compromise that prohibited federal funding for abortion unless the pregnancy endangered the mother’s
life. The judicial branch took steps to prevent women’s abortion rights. The courts, however, immediately acted to prevent this language from taking effect.\textsuperscript{236}

Another feminist movement victory was in the garnishment of wages for court-ordered child support, alimony, and commercial purposes (P. L. 93-647) in 1975.\textsuperscript{237} According to Secretary of Health, Education, and Welfare, Caspar Weinberger, there were 1.3 million absentee fathers not meeting their responsibility and therefore costing taxpayers 1.5 billion dollars a year.\textsuperscript{238} This marked the first time that paychecks from federal employees or military personnel decreased as attempts were made to collect funds for child support and alimony.\textsuperscript{239}

In 1975, when Supreme Court Justice William Douglas resigned due to medical reasons, President Ford named John Paul Stevens, from Illinois as Associate Justice of the Supreme Court of the United States.\textsuperscript{240}


During his election campaign, Jimmy Carter promised welfare reform. This promise was very appealing considering the high cost of the social programs that had


\textsuperscript{238} “Wanted: 1,300,000 Absentee Fathers,” *The Washington Post*, February 27, 1975, A9.


been created by the Great Society social reforms with the two main goals being the elimination of poverty and the elimination of racial injustice. Inflation was taking a toll on the government budget and the rising welfare programs cost.

In 1960, the public social welfare expenditures were 52.3 billion dollars. This included federal, state, and local government costs. By 1976, public social welfare expenditures had increased to 331.9 billion dollars. On August 6, President Carter’s message to Congress proposed a revamping of the welfare system. Carter acknowledged that the system was worse than what he anticipated and that he understood the need to serve the disadvantaged. He also recognized that how the government was going about it did not provide equity and wasted funds.

As I pledged during my campaign for the Presidency, I am asking the Congress to abolish our existing welfare system, and replace it with a job-oriented program for those able to work and a simplified, uniform, equitable cash assistance program for those in need who are unable to work by virtue of disability, age or family circumstance. The Program for Better Jobs and Income I am proposing will transform the manner in which the Federal government deals with the income needs of the poor, and begin to break the welfare cycle.

The welfare reform proposal encountered opposition in the House of Representatives and Senate levels. Legislators were concerned with the economic crisis and the demands of their constituents to cut federal spending and avoid new programs that would incur expenses. The new welfare bill divided the beneficiaries into two groups:


• a group that needed to work for their benefits
• a group that would not work for their benefit because they could not, due to physical impediments, age, or child rearing.²⁴³

The Senate Finance Committee altered the welfare bill that forced welfare recipients to work, determined a specific amount of help someone could get, increased efforts to locate fathers needing to provide child support, and tightened controls against fraud to avoid welfare recipients from abusing the system. This provoked negative comments from Joseph Califano, Jr., Secretary of Health, Education, and Welfare. Califano stated that the bill, as modified, would not promote an efficient program that could actually help poor families overcome their difficulties, and that the altered bill would not get approval by the president.²⁴⁴ By June 1978, the bill died in the Senate. A year after this defeat, Carter’s administration proposed a less ambitious welfare reform. The new legislation established a minimum benefit and allowed two-parent households to apply for benefits if the person with the highest wages was not working, as long as these wages still fell within the set perimeters. Even though the bill passed the House of Representatives, it did not make it through the Senate Finance Committee.²⁴⁵


Unlike the aborted welfare reform, the Food Stamps Program\(^\text{246}\) was revised and approved, as part of a *Farm Bill* in January 1, 1979. The $10.5 billion bill assisted farmers and made substantial changes to the Food Stamps Program. The major modification of the Food Stamps Program involved the elimination of the cash requirement for recipients, which added approximately 3 million more welfare receivers to the food stamp program. Furthermore, one program goal was to reduce the number of beneficiaries from 16.2 million people to 14.7 million.\(^\text{247}\) By then, it was clear that the spending ceiling needed to be raised in 1980 to $9.2 billion, and in 1981 to $9.7 billion for both fiscal years.\(^\text{248}\)

Another campaign promise that President Carter made was health care reform. In his announcement for the Democratic Presidential nomination, Carter stated,

> The quality of health care in this Nation depends largely on economic status. It is often unavailable or costs too much. There is little commonality of effort between private and public health agencies or between physicians and other trained medical personnel. I expect the next Congress to pass a national health insurance law. But present government interest seems to be in merely shifting the costs of existing services to the federal taxpayer or to the employers. There is little interest in preventing the cripplers and killers of our people, and providing improved health care for those who still need it most.


\(^\text{247}\) “President Signs Farm Bill with Food Stamp Reform,” *The New York Times*, September 30, 1977, 94.

Is a practical and comprehensive national health program beyond the capacity of our American government? I think not.\(^{249}\)

Nevertheless, once in office, Carter’s position regarding health care changed. Carter saw the need to control health care cost first, which was in an increased spiral due to inflation, before implementing any changes.

In the health area, the budget revisions reflected the Administration’s drive to hold down hospital costs, and Joseph A. Califano Jr., the Secretary of Health Education and Welfare, announced that legislation was being prepared that would allow the Government to set a ceiling on hospital charges across the country.

Mr. Califano said the legislation would represent “the first step in making national health insurance financially feasible.”\(^{250}\)

Between 1977-1980, the complexity of national health coverage encountered strong opposition; because of this, no significant legislation was enacted\(^{251}\) But, because of First Lady Rosalynn Carter’s support of mental health care reform, progress was made regarding mental health. On October 7, 1980 the approval of the mental health care bill allowed for the restructuring of provided services; the coordination of federal, state, and local government efforts; and increased funding.\(^{252}\)


At the same time, Carter’s administration and the First Lady vigorously supported the Equal Rights Amendment Extension. Instead of approval by all the states, the bill was extended until June 1982. As more sex discrimination cases were debated in court, sex equality was stressed by the courts. Men were included in the equal rights decisions to receive alimony in divorce situations, removing the stereotype that women could be the only recipients.\textsuperscript{253}

Likewise, Ford’s administration and Carter’s era continued to win opponents to abortion with federal funds as the movement against abortion rights’ continued. Anti-abortionists made pressures to politicians across the nation to stop abortions using government funds.

The Supreme Court Ruled 7 to 2 in 1973 that abortions in the first three months of pregnancy were legal and are between a woman and her physician, but last year it held that the government was under no obligation to pay for abortions for poor women. It was the latter ruling, resulting in fund cutoffs from the Federal to the local levels, that has been the basis of controversy in recent months.\textsuperscript{254}

Four years later, in June 1977, the Supreme Court decided to withhold public funds from women seeking abortions, allowing the procedure only when the mother’s life was in danger or two doctors agreed that the pregnancy could cause harm to the mother.

None of the funds provided for in this Act shall be used to perform abortions except where the life of the mother would b endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health


service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.  

The pronouncement of not funding abortions through Medicaid had a direct effect on poor women. The Supreme Court agreed that government funds could not be used to terminate unwanted pregnancies. The court affirmed the constitutionality of the Hyde Amendment— an amendment that averted Medicaid or any other government program to pay for abortions.

Under the Hyde Amendment, whose funding restrictions were reimposed following the Supreme Court Decision, fewer than 2,000 abortions were expected to be performed under Medicare each year—a reduction of more than 99 percent.

President Carter appointed more minorities than any other president to federal positions. The Justice Department noted that President Carter chose thirty-eight black judges for federal courts from the time he entered office in January 1977 to May 1980.

In fact, about a third of the record 260 judges Carter has nominated during his term in office have been blacks, women, or Hispanics. There were only five women and five Hispanic federal judges when Carter was

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inaugurated in 1977. Since then he has appointed 29 women and 14 Hispanics.\textsuperscript{258}

Although these nominations were of great significance when you consider the Civil Rights Movement, no significant gains were achieved in the civil rights arena. The need to improve blacks and other minorities’ economic conditions made affirmative action a priority during the late 1970s.

Access to jobs—and to income—has become the leading civil rights issue of the 1970s. The Equal Employment Opportunity Commission now receives more than 85,000 job discrimination complaints a year—more than one every two minutes its offices are open for business.\textsuperscript{259}

Nevertheless, the implementation of the law manifested inconsistencies in three occasions during Carter’s administration:

- In 1978, \textit{Regents of University of California v. Bakke} (438 U. S. 265), also known as the Bakke case. The student, Bakke, questioned the constitutionality of the Regents of the University of California’s admissions program. The Supreme Court decided, by a vote of 5-4, that the university had violated \textit{Title VI} of the \textit{Civil Rights Act of 1964} by excluding Bakke because of race.

- In 1979, the \textit{United Steelworkers of America v. Weber, Kaiser Aluminum \& Chemical Corp. v. Weber, United States v. Weber} (443 U. S. 193). The Supreme Court argued that \textit{Title VII} of the \textit{Civil Rights Act}, which prohibited


discrimination in the workplace and allowed companies to adopt voluntary
affirmative action plans that could eliminate traditionally segregated jobs.

  recognized Congress’ abilities to use some racial quotas to help with past
  racial discrimination against African-American businesses. The Supreme
  Court indicated that this quota was not a violation of the equal protection.260

  Altogether, during Jimmy Carter’s time in office, the enforcement of federal laws
  assisted in decreasing racial inequities, even though it was necessary to utilize racial
  quotas.

  Equally important, during his presidential campaign of 1976, Carter said he
  opposed mandatory school busing. Carter did not consider forced integration a viable
  solution for desegregation of the schools, a statement that was preceded by a conflicting
  view,

  Only moments earlier, the former governor of Georgia had said
  that “the best thing that ever happened to the South” was the passage of
  the federal civil rights acts. Clearly, he must have meant to say “forced
  busing.” Reporters rushed to ask him for a clarification, but he was out of
  the hall before they could reach him.261

  Carter’s administration thought of busing as a way of achieving racial balance in
  public schools. The Supreme Court upheld busing as a conscientious choice to remedy
  past discrimination practices.

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In what civil rights leaders called a major victory for school desegregation in the North, the Supreme Court yesterday sustained its position that federal judges can order sweeping desegregation plans for an entire school system where school board policies have led to racial imbalance in only a part of that system.\footnote{262 Keith Richburg, “System—Wide Busing Orders Reaffirmed by High Court,” The Washington Post, July 3, 1979, A8.}

Nonetheless, the presidency and the courts supported school busing for the purpose of school desegregation, and Congress continued to argue the issue. In 1979, the House of Representatives tried to pass a constitutional amendment that would prohibit mandatory busing.

The language of the amendment contains two sleepers. One rests in the section barring courts or school systems from compelling students to attend any public school other than that nearest their homes. Although drafted with the goal of preventing busing for the purpose of achieving racial balance, this section would also bar busing for other purposes, such as reducing overcrowding or adjusting student populations to meet teacher shortages or strikes. By trying to avoid writing race into the Constitution, the authors have succeeded in trying to write local flexibility out.

The other sleeper lies in the part of the amendment giving Congress power not only to enforce this amendment—the traditional boiler plate—but also “to insure equal educational opportunities for all students.” This would increase greatly the control Congress could exercise over all public schools. Under it, Congress could require, for example, that school boards change the ways they raise and spend money as long as the changes it dictated were an effort to equalize opportunity.\footnote{263 “The Busing Amendment,” The Washington Post, July 23, 1979, A20.}

On November 13, 1980, the Senate approved legislation that would stop the Justice Department from busing students in order to eliminate racial disparities. This antibusing language was attached to the Justice Department appropriations bill.\footnote{264 “Senate Approves Antibusing Measure,” Chicago Tribune, November 14, 1980, 1.} As
expected, President Carter vetoed the bill on December 13, 1980. He presented the following argument,

Throughout my Administration, I have been committed to the vigorous enforcement of the Fourteenth Amendment to our Constitution and of our civil rights laws. They are the backbone of our commitment to equal justice. All Americans are the beneficiaries of over two decades of progress since the Supreme Court upheld the constitutional right of all races to equal educational opportunity and the Congress passed landmark civil rights legislation to end discrimination in voting, housing, employment, education, and public accommodations. We should not turn back the clock to an era when the Department of Justice stood passive and the entire burden of seeking a remedy for the infringement of constitutional rights fell on the victims of discrimination themselves.  

The veto was unchallenged, but the Senate made clear that anti-busing efforts would be presented to incoming president Ronald Reagan’s administration.

With housing, racial discrimination took a more subtle form even though the laws promoted fair housing practices since the 1968 Fair Housing Act (Public Law 90-284).

According to Thomas Pettigrew, professor of social psychology and sociology at Harvard, “about one-fourth to two-fifths of white Americans, depending on the question you ask, still oppose the proposition that black families have a right to move into their area, and particularly next door, even when you stipulate the same class and same education.”

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In his State of the Union Address on January 23, 1979, President Carter recognized that the country had not achieved racial equality and there was work to do in this area.

The civil rights revolution freed all Americans, black and white, but its full promise still remains unrealized. I will continue to work with all my strength for equal opportunity for all Americans—and for affirmative action for those who carry the extra burden of past denial of equal opportunity.268

Yet, President Carter could not pass legislation that could give the Department of Housing and Urban Development the power to enforce housing discrimination. In 1980, sponsored by Senator Edward Kennedy, a fair housing bill passed through the Senate Judiciary Committee and seemed to have momentum.

Nevertheless, in a time of backpedaling on the liberal initiatives of the 1960’s—Congress, for example, has enacted a series of amendments to thwart executive enforcement of busing—the strength of the movement for fair housing may be an indication that the nation’s commitment to racial justice is not dead.

Not only is the bill the first important civil rights measure to receive serious Congressional consideration in 12 years, it has the unabashed support of the Carter Administration. That is of interest in and of itself. After three and one-half years, the Administration’s record on civil rights enforcement and initiatives is obscure, not only because civil rights developments rarely make the news or because of the Carter White House’s ambiguities of style, but because blacks themselves have veered between praise and condemnation of the President.269

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The proposed amendment to the *Fair Housing Bill of 1968* received strong opposition in Congress and the National Association of Realtors. After negotiating with lobbyists, the bill passed the House of Representatives, with modifications, in June 1980. But, after intense debates in December 1980, it did not pass the Senate.\(^\text{270}\)

On January 2, 1981, through an executive order, President Carter strengthened the Department of Housing and Urban Development in an effort to narrow the unfair housing practice in existence.

In my urban policy report to the Congress, I promised to issue an Executive order concerning Title VIII of the Civil Rights Act of 1968, the Fair housing Act. I am fulfilling this promise today. This Executive order will strengthen the ability of each executive agency to administer its Federal programs and activities in such a way as to promote fair housing.\(^\text{271}\)

**Ronald Reagan, 1981-1989**

In his inaugural address on January 20, 1981, Ronald Reagan clearly stated that he wanted to start new beginnings. His agenda included a reconsideration of social programs.

It is my intention to curb the size and influence of the Federal establishment and to demand recognition of the distinction between the powers granted to the Federal Government and those reserved to the States or to the people. All of us need to be reminded that the Federal Government did not create the States; the States created the Federal Government.


Now, so there will be no misunderstanding, it's not my intention to do away with government. It is rather to make it work—work with us, not over us; to stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it.272

Reagan’s determination to change the liberal approach to social programs was based on budget cuts that would transfer the responsibility of funding programs to the states, emphasizing work and job training components.

We will continue to fulfill the obligations that spring from our national conscience. Those who, through no fault of their own, must depend on the rest of us—the poverty stricken, the disabled, the elderly, all those with true need—can rest assured that the social safety net of programs they depend on are exempt from any cuts.273

The administration policy excluded the working poor from government subsidies. Reagan used the federal budget as an instrument of change for social policies while avoiding confronting Congress for new legislation.274

The Food Stamp program will be restored to its original purpose, to assist those without resources to purchase sufficient nutritional food. We will, however, save $1.8 billion in fiscal year 1982 by removing from eligibility those who are not in real need or who are abusing the program. But even with this reduction, the program will be budgeted for more than $10 billion.

We will tighten welfare and give more attention to outside sources of income when determining the amount of welfare that an individual is

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allowed. This, plus strong and effective work requirements, will save $520 million in the next year.275

On August 13, 1981, President Reagan signed the Omnibus Budget Reconciliation Act of 1981—a bill that significantly affected working welfare recipients and weakened the services provided to the neediest.276 The intention of this act was to promote independence from public assistance, which would lead to a denial of benefits, and therefore, reduce federal costs. It faced criticism by many states, ending in court challenges. The new rules set a $1,000 limit (the previous limit had been $2,000) on the assets a family with dependent children could have and still receive public assistance. Furthermore, this new limitation did not count the equity in an individual’s home nor penalize families that had no more than one automobile.277

At least 24 states have delayed the enforcement of a new Federal law reducing welfare benefits. This will make it impossible for the Reagan Administration to achieve the full savings it predicted for welfare and Medicaid in the current fiscal year.278

The recession experienced in 1982 increased unemployment. Congress did not want to pursue further cuts in social programs and was inclined to create federal jobs


stimulus. This motivated Congress and the president to pass a five cents a gallon tax increase to pay for the repair of roads and mass transit systems. Reagan did not consider this measure a jobs incentive program, but recognized that the bill would generate jobs. Unemployment rates declined from 9.4 percent in the summer of 1983 to 8.2 percent at the end of 1983 to 7.5 percent by May 1984. Still many workers were out of jobs due to decline of production and increase foreign competition.279

During Reagan’s administration, social matters took a conservative turn. Before Congress rejected a constitutional amendment to ban abortion on June 28, 1983, Reagan made a public statement opposing the outcome.

> Once again I call on the Congress to make its voice heard against abortion on demand and to restore legal protections for the unborn whether by statute or constitutional amendment.280

Nevertheless, Congress opposed a constitutional amendment that would jeopardize women’s rights to an abortion.281

Another social concern that Reagan’s administration tried to change was prayer in the schools. Regardless of strong advocacy by the president and other interest groups, a bill was introduced, and died in the Senate.282

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Congress was able to overpass two important issues: presidential approval for an extension of the *Voting Rights Amendment Act of 1982* that guaranteed every citizen the right to vote, and the extension of the Civil Rights Commission for six years until September 30, 1989.

PL 98-183 restructured the commission into an eight-member panel, with four members appointed by the president and four by Congress.

The new structure was the direct result of President Reagan’s unprecedented attempt to fire his critics on the commission and replace them with members of his own choice. Civil rights advocates contested such a move as undermining the independence of the commission.

By the end of his first term, people were satisfied with Reagan’s performance. Largely because he had established economic policies that turned around the economy, increased national defense expenditures, and reestablished the nation’s self-confidence, Reagan’s re-election came as no surprise. Yet he tried, without success, to dismantle social programs. Although Congress was able to stay firm and support the social programs created during the Great Society, Reagan’s budget cuts were so severe that its impact and efficiency were at minimum levels.

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In Reagan’s second term, efforts to continue further cost cuts did not meet Congress’ approval. Ironically, benefits in health care were expanded. Congress used reconciliation bills to provide appropriation to programs that were cut in order to balance disproportional coverage in Medicare and Medicaid benefits.\(^{286}\)

During the last part of Reagan’s administration, national attention regarding the homeless crisis was an issue. For example, funds provided for subsidized housing in 1981 was $30.1 billion; by 1986, it had decreased to $10 billion. By 1989, the number decreased further to $7.5 billion that was provided for low-income housing. It was believed that the shortage of affordable housing for the poor was to blame, and had raised the number of homeless people.\(^{287}\)

The federal courts asked for help resolving the housing shortage for the poor.

Even where courts do not have clear authority to order shelter for the homeless, they can focus attention on the problem. For Example, Judge Charles R. Richey of the Federal District Court in Washington, D. C., called on “the captains of industry, commerce, banking, hospitals, skilled nursing homes and other health-care providers,” as well as the President, to find “a solution to this disgraceful problem.”\(^{288}\)

Pressures from homeless advocates resulted in Congress promoting a bill to provide federal funds for homeless shelters.\(^{289}\)

\(^{286}\) Ibid., 544.

\(^{287}\) Ibid., 667.


\(^{289}\) *An Act: To provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.* Public Law 100–77, 100th Cong. 1st sess. 101 Stat. 482 (July 22, 1987).
The new law, signed Wednesday night, provides emergency shelter and some permanent housing for homeless individuals and families, as well as a wide range of services, including health care, education, and job training.

It is the first such comprehensive effort by Congress to address the problem of homelessness in America.\textsuperscript{290}

Reagan signed the bill on July 22, 1987, but his office expressed their concern about the amount of resources put into such controversial programs.\textsuperscript{291} A White House official who wished not to be identified, shared with the press his concern of the president using $1 billion for a program that had not proved to be successful.

In addition, on August 10, 1988, Congress formally offered an apology to Japanese Americans that had been moved to internment camps during World War II. The apology came with $1.25 billion in reparations for the loss of their possessions and suffering.\textsuperscript{292}

According to a Congress report that investigated the enforcement of civil rights during President Reagan’s term, the Reagan administration failed to fulfill the president’s


\textsuperscript{291} Ibid.

responsibility in providing equal opportunities for women, minorities, and disabled students.²⁹³

After his two-term presidency, Reagan continued to be a popular president. He achieved his goals of lower taxes, smaller government, and increased national defense. It is also important to recognize that Reagan’s legacy also included a bigger economic gap.

The new administration will follow an administration which presided over eight years of stagnation and retrogression in the economic status of black Americans. As we have reported in all of the last few volumes of The State of Black America, no progress was made in reducing the longstanding economic disparities faced by blacks during the Reagan administration. In fact, racial inequality in American economic life actually increased by many of the standard indicators.²⁹⁴

George H. Bush, 1989-1993

George H. Bush did not promise major changes for the nation, as he was more interested in keeping America moving forward, maintaining the status quo, and leading on the same path as his predecessor. As the presidential candidate for the Republican Party, Bush’ acceptance speech stressed the urgency to provide a drug free society, offer a first-class education with choices for parents, and stop the contamination of the environment.²⁹⁵


On March 14, 1989, as a measure of controlling drug-dealers and other criminal activities, Bush changed his stance on gun controls and approved a temporary ban on semi-automatic rifle imports. The National Rifle Association, which the president is a lifetime member, protested about the decision to differentiate between assault weapons and sporting weapons. According to *The New York Times*, President Bush was doing more of the same. He was continuing with the policies established by the previous president, and penalizing drug consumption and criminal activities by building more prisons, arresting more people, and trying to control drug trafficking. The government continued fighting drugs through the criminal justice systems. There were more arrests, incarcerations, and attempts to stop the drug traffic. The Democrats considered Bush’s approach ineffective since they saw it necessary to work on drug prevention and rehabilitation programs.

The Bush administration passed two landmark legislations during this time:

- the *Americans With Disabilities Act of 1990*
- the expansion of the *Clean Air Act of 1970*

The *Americans with Disabilities Act of 1990* changed lives by protecting the disabled, as well as individuals suffering from drug additions, alcoholism, and the AIDS virus. The law afforded an opportunity for a full life with access to public spaces, equal employment opportunities with reasonable accommodations, and the right to use appropriate telecommunications such as the closed-captioning of public service.

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announcements. In addition, public transportation was required to offer accessibility for wheelchairs on buses and trains.\textsuperscript{298}

This act is powerful in its simplicity. It will ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard: independence, freedom of choice, control of their lives, the opportunity to blend fully and equally into the rich mosaic of the American mainstream. Legally, it will provide our disabled community with a powerful expansion of protections and then basic civil rights. It will guarantee fair and just access to the fruits of American life which we all must be able to enjoy. And then, specifically, first the ADA ensures that employers covered by the act cannot discriminate against qualified individuals with disabilities. Second, the ADA ensures access to public accommodations such as restaurants, hotels, shopping centers, and offices. And third, the ADA ensures expanded access to transportation services. And fourth, the ADA ensures equivalent telephone services for people with speech or hearing impediments.\textsuperscript{299}

The \textit{Americans with Disabilities Act of 1990} brought over 43 million disabled people into mainstream society by providing not only civil rights, but also a sense of independence to these disabled Americans.\textsuperscript{300}

The \textit{Clean Air Act of 1990} was the toughest pollutants emission control for automobiles and factories to date.\textsuperscript{301} After more than ten years of congressional


\textsuperscript{301} \textit{An Act: To amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes}. Public Law 101–549, 101\textsuperscript{st} Cong. 2\textsuperscript{nd} sess. 104 Stat. 2399 (November 15, 1990). http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein.statute/sal104&id=3273&collection=ssl &index=statute/sal (accessed November 13, 2011).
stalemate, Congress and the president reached a compromise about the alarming concerns in urban settings in relation to smog, acid rain, and toxic air. Bush’s statement on signing the bill recognized the health and environmental benefits that the legislation contained and the rights of every city in the nation to have clean air.302

In 1989, a controversial issue arose regarding a flag burning incidence in Texas. The Supreme Court considered the circumstances and said that the burning of the flag constituted expressive conduct and was a constitutional form of speech.303 President Bush was in favor of a Constitutional amendment that prohibited flag burning and would overturn the Supreme Court decision. The Senate opposed to amend the Constitution and Bush encountered criticism.

Since flag-burning no more then than now posed any danger to the Republic, but since it gave offense to many Americans who revered the flag as a symbol, the President’s real purpose was to profit from public outrage at the Court’s opinion. In pursuit of popularity, he was willing to be the first President in history to seek restriction of the Bill of Rights.304

On June 11, 1990, the Supreme Court decided the case, United States v. Eichman (496 U.S. 310) and ruled that flag burning was a personal expression and that under safe

circumstances, flag burning was protected by the First Amendment.\textsuperscript{305} The court’s decision overturned any previous legislation.

Furthermore, the \textit{Civil Right Act of 1990} was vetoed by President Bush, who opposed the establishment of quotas in the workplace. Through compromise with Congress, Bush signed the \textit{Civil Rights Act of 1991}, a law that made it harder for employees to start a lawsuit due to workplace discrimination, and limited settlement allowances for victims of discrimination.\textsuperscript{306}

Facing protests from civil rights leaders, lawmakers from both parties and members of his Cabinet, Mr. Bush this morning moved to end the uproar caused when the White House Counsel, C. Boyden Gray, circulated a draft of a directive Wednesday night that would have ended the use of racial preferences and quotas in Federal Government hiring.

That draft gave rise to reports that the President would order all Federal agencies today to phase out the use of racial preferences and quotas in hiring to underscore his opposition to affirmative action. Some political opponents and those who have voiced doubt about his commitment to civil rights suggested that Mr. Bush was trying to undo by executive action what he could not achieve in his fight with Congress over the wording in the Civil Rights Act.\textsuperscript{307}

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306 \textit{An Act: To amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.} Public Law 102–166, 102 Cong. 1\textsuperscript{st} sess. 105 Stat. 1071 (November 21, 1991).

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Bush’s attempts to change the meaning of the law was an indication of the conservative agenda he adhered, “telling right-wingers that they still have a friend in the White House.”

During his presidency, George H. Bush blocked and vetoed a number of social bills. In the end, he lost the opportunity for a second term by not recognizing the hardships that most Americans were experiencing and being unable to prove to the American people that he would implement social programs that would alleviate their suffering.

**William J. Clinton, 1993-2001**

From the very beginning, Bill Clinton thought his administration was a time for the government to assume its role as an agent that promoted social change. His first budget was titled, “A Vision of Change for America”.

The evidence of change was on every page of Mr. Clinton’s budget and his economic program. He said his proposals were intended to combat an “Alarming rise in inequality”—a trend repeatedly denied or minimized by Reagan and Bush Administration officials.

Bill Clinton came to the White House with plans to introduce a Family Leave bill, reform welfare, eliminate abortion restrictions imposed during the Reagan and Bush eras,

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facilitate voters’ registration, reform health care, and lift restrictions of gays in the military.\textsuperscript{311}

Clinton was able to sign the \textit{Family Leave Act} on February 4, 1993; this legislation allowed a family member to take up to twelve unpaid weeks to care for their newborn child or a sick family member.\textsuperscript{312}

Moreover, on August 10, 1993, as part of the Omnibus Budget Reconciliation Act of 1993,\textsuperscript{313} the president was able to make cuts in Medicare and Medicaid benefits while allowing for preventive and primary care, and child care that included immunizations.\textsuperscript{314}

Later in 1994, Clinton signed into law one of his campaign promises: a bill that expanded and improved the preschool program for low-income families, pregnant women, and children under three years of age (Head Start).\textsuperscript{315} This law was to provide funds until fiscal year 1998, and had a quality improvement component.

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In the same way, President Clinton separated the Social Security Office from the Department of Health and Human Services. The establishment of the Social Security Administration as an independent agency was signed into law on August 15, 1994, with the separation taking effect by March 31, 1995. According to The New York Times, the purpose of the law was to protect the agency from political interests and restrict benefits to drug abusers. This measure was unanimously approved by the Senate and the House of Representatives.

The national debate over abortion continued during the Clinton administration. Regardless of strong opposition, President Clinton was able, through executive order, to soften the restrictions on abortion imposed by previous presidents. During Clinton’s term in office, abortion funding included cases of rape and incest. Later, in 1996 when legislation to perform “partial-birth” abortion was approved by Congress, Clinton vetoed the bill.

After three tries, Congress reached a bipartisan agreement for welfare reform and President Clinton signed the law on August 22, 1996. Democrats were disappointed by

316 An Act: To establish the Social Security Administration as an independent agency and to make other improvements in the old-age, survivors, and disability insurance program. Public Law 103–296, 103 Cong. 2nd sess. 108 Stat. 1464 (August 15, 1994).


these new regulations as they eliminated guaranteed financial assistance to the neediest in the country, gave new powers to individual states, and from the moment welfare began, placed a two-year time limit on recipients having to find a job.320

The bill I'm about to sign, as I have said many times, is far from perfect, but it has come a very long way. Congress sent me two previous bills that I strongly believe failed to protect our children and did too little to move people from welfare to work. I vetoed both of them. This bill had broad bipartisan support and is much, much better on both counts.

The new bill restores America's basic bargain of providing opportunity and demanding, in return, responsibility. It provides $14 billion for child care, $4 billion more than the present law does. It is good because without the assurance of child care, it's all but impossible for a mother with young children to go to work. It requires States to maintain their own spending on welfare reform and gives them powerful performance incentives to place more people on welfare in jobs. It gives States the capacity to create jobs by taking money now used for welfare checks and giving it to employers as subsidies as incentives to hire people. This bill will help people to go to work so they can stop drawing a welfare check and start drawing a paycheck.321

The new law cut federal spending, changed food stamp eligibility, and slashed benefits to legal immigrants. For many, the burden was now put in the states budgets and would negatively affect women and children—possibly driving them into homelessness.322


During President Clinton’s second term, his administration continued to threaten to veto the major legislation that Republicans pursued. Congress’ battle persisted among Republicans and Democrats, resulting in little significant legislation being approved. Despite the health care reform failure, the president took a piece-meal approach for domestic policy. He managed to increase appropriations that benefited the lowest income bracket, and in some cases, raised some Americans above the poverty level.323

At the University of California San Diego’s commencement address in June 14, 1997, President Clinton recognized the need for America to confront the racial inequalities that minorities experienced on a daily basis.

But I believe the greatest challenge we face, among all those that Coleen talked about, is also our greatest opportunity. Of all the questions of discrimination and prejudice that still exist in our society, the most perplexing one is the oldest, and in some ways today, the newest: the problem of race. Can we fulfill the promise of America by embracing all our citizens of all races, not just at a university where people have the benefit of enlightened teachers and the time to think and grow and get to know each other within the daily life of every American community? In short, can we become one America in the 21st century? I know, and I’ve said before, that money cannot buy this goal, power cannot compel it, technology cannot create it. This is something that can come only from the human spirit, the spirit we saw when the choir of many races sang as a gospel choir.324

Bill Clinton defended Affirmative Action as a program that provides opportunities for minorities that otherwise would have doors closed when accessing academic institutions and other venues. The president saw the need for America to unify and


terminate an unfinished business of segregation. Furthermore, Clinton’s race initiative led to some federal institutional changes, but did not produce changes nationwide.

The Medicare program experienced several changes during Clinton’s second term. In 1997, some restrictions made to the Medicare program were restored, and the new legislation provided health insurance to almost 10 million low-income children. In 1999, Medicare providers received funds that had been cut in efforts to balance the budget—$16 billion in a five-year period to hospitals, rehabilitation therapy, and managed care plans, to name a few. Later, in 2000, payment increases and expanded benefits for the Medicare program would cost around $35 billion in a five-year period. As part of the budget appropriation for fiscal year 2001, President Clinton signed the law on December 21, 2000.

Regardless of the setbacks in health care reform (Social Security and Medicare financial issues), William J. Clinton was able to provide more programs to the needy than

\[325\] Ibid.


many of his predecessors. The positive economic growth that the United States experienced during the Clinton years sharply reduced the crime, poverty, and unemployment rates of the nation. His critics wondered if the new programs could assist the poor in difficult economic times.330

It is disheartening to some Democrats that in an age of fiscal plenty, the most lasting achievement of the Clinton era may have been not in health care or education or the environment or poverty reduction, but in cleaning up the government’s books and keeping Wall Street happy.331

During this time, the economic gap between the rich and the poor remained wide. According to Cornel West, a highly regarded scholar of religion, philosophy, and African American studies, “the economic boom will be viewed as a surface phenomenon that was concealing economic inequality.”332

**George W. Bush, 2001-2009**

After the September 11, 2001 attacks, where a series of four coordinated suicide attacks upon the U.S. occurred, homeland security issues took precedent in George W. Bush’s administration. Therefore, the president was able to pass through Congress many issues from his domestic front agenda. President Bush’s social policies had a conservative focus that produced legislation that supported antiabortion measures. First in 2002, George W. Bush signed into law the guaranteed legal protection to born-alive


332 DeParle and Holmes, A1.
infants.333 This ruling laid the groundwork for later legislation banning partial-birth abortion. The Partial-Birth Abortion Ban, Public Law 108-105,334 was the first law that contradicted the Supreme Court’s 1973 decision, Roe v. Wade. The new law prohibited the use of federal funds for a specific abortion procedure that usually occurred during the second or third trimester. The legislation did not include health exceptions when the mother’s life was threatened, which triggered a counteroffensive from abortion rights groups that legally challenged this decision in courts.335

On August 9, 2001, President Bush surprised the nation by expressing his support of stem cell research, as well as his decision to provide federal funds to this research.336 This decision was a deviation from the conservative position the president previously held. During his administration, social programs lost the support of the legislators due to bipartisan disagreements. Reauthorizations were unlikely to occur and funds were allocated and added to appropriation bills.337


Bush’s conservatism led to proposed legislation that would allow federal funds for faith-based organizations to provide social services. The legislation did not make it through Congress. Many Democrats opposed the proposal since it could lead to employment discrimination while using federal money. President Bush took it upon himself to carry on without legislation approval.

With Senate action stalled, Bush announced Dec. 12, 2002, that key provisions of the legislation would be implemented by executive order. He directed all federal agencies to maintain what he called “a level playing field for faith-based organizations” when awarding social service grants and specified that groups could retain their religious identity while carrying out federally funded programs. He called specifically on the Federal Emergency Management Agency, the Housing and Urban Development Department, and the Health and Human Services Department to revise policies to give equal consideration to religious organizations. The White House also issued a guidebook explaining what faith-based organization needed to do to qualify for government grants, including the proper uses of federal money.338

In 2003, George W. Bush was able to produce the biggest change to the Medicare program since its establishment in 1965 by managing an overhaul of the legislation, with the support of the AARP (American Association of Retired Persons) and some Democrat legislators. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003339 allowed prescription drug benefits to senior citizens on Medicare—a change that

338 Ibid, 521.

offered prescription drugs to more than 40 million people, benefited the pharmaceutical industry, and cost taxpayers $400 billion in a 10-year span.\textsuperscript{340}

George W. Bush’s administration offered a move “to the right”; Bush’s views often coincided with his conservative constituency and religious groups. Bush pleased his supporters on issues of abortion and sex education, and pleased his opposition on issues of same-sex marriages.

**Educational Conditions 1975-2000**

**Gerald Ford, 1974-1977**

A Republican president, Gerald Ford, and a Democratic Congress demonstrated their differences in their approaches to public education funding. There were two major issues affecting education during the first year of Gerald Ford’s administration:

- discrimination
- funding for elementary and secondary schools

The Ford administration encountered the expansion of *Title IX* regulations prohibiting sex discrimination in any education program receiving federal assistance and in other areas.

The *Elementary and Secondary Education Act of 1965* was extended and signed into law on August 21, 1974.\textsuperscript{341} This law did not apply Nixon’s initiative of revenue


sharing, but it did consolidate a library and instructional resources program, as well as an innovation and support services program.

Unlike other years, in 1975, Congress agreed to advance funding.

Under forward or advance funding, appropriations are made in one fiscal year but not obligated until the following fiscal year; the process allows local school administrators to plan their budgets more effectively since they know how much federal aid to expect.342

On September 10, 1975, Congress overrode the second presidential veto by President Ford when they vetoed his education budget on the basis that it was much bigger than expected (specifically $1.5 billion more), and since it included allocations for the transition period between the fiscal years. As a result, Public Law 94-94343 was enacted and voted on by more than two thirds of the House of Representatives and the Senate. The bill made appropriations of $7.9 billion for federal education programs for the fiscal year 1976-977. For the first time, education funds were separated from the Department of Health, Education, and Welfare. Congress’ rationale took into consideration the early planning that school districts incurred for the next school year.344

Can you give a bit more background on this presidential veto?


The Annual Report of the U.S. Commissioner of Education for fiscal year 1974 recognized that the U.S. school systems were not up-to-speed with the changing needs of the nation. Supreme Court decisions had forced the country to take responsibility for handicapped children, as well as children who spoke another language at home. The report attributed the slow pace of change in education to the decentralization of schools because the decision making power rested in the local communities. Even though there was a focus on equity, the financial disparities among school districts did not allow many schools to provide equal educational opportunities for all children since the community’s capacity to collect revenue was based on its local property taxes.\footnote{Annual Report of the U. S. Commissioner of Education—Fiscal Year 1974, Office of Education (DHEW), U.S. Government Printing Office (Washington, DC, 1975). DHEW Publication No. (OE) 76-00003, 1-4.}

Since the \textit{Brown v. Board of Education’s} court decision, school desegregation remained a contentious national debate. In the northern states, schools continued to be segregated as a result of the housing patterns—meaning, nonwhite majorities remained in large cities while Caucasian middle class families moved to suburban areas—although attempts to desegregate schools had been made through the courts.\footnote{Ibid, 5}

Also, the busing issue was a heated one. For example, in the fall of 1974, a Boston federal court order mandated the busing of minority students to a south Boston area school. Tensions escalated and violence occurred as a result. The mayor, Kevin White, requested help from 175 marshals from the National Guard to enforce the law because police had been working uninterrupted for days due to escalating racial tensions.
and more help was needed. President Ford took sides with the Caucasians in south Boston, stating that busing would not achieve education equality.\(^{347}\) The president made matters worse by publicly criticizing the court order of desegregation that led to forced busing and approving the Caucasian opposition to desegregate.

The busing opposition grew and gained Congress’ approval. On June 24, 1976, Ford, considering that the courts had went too far, proposed legislation to Congress that would limit court-ordered busing up to five years. Civil rights leaders adversely reacted to the president’s proposal. The proposal did not receive a hearing in Congress\(^{348}\) so continued under court order. Although violent incidents due to the transportation of students across neighborhood boundary lines declined, in the northeastern states, segregation remained.\(^{349}\)

The issue of sex discrimination in schools was prohibited under Title IX of the *Education Amendments of 1972*. The law intended to stop discrimination in admissions, housing, and employment. The biggest debate came from sex discrimination in sports, particularly at the college level.\(^{350}\)

Although the law covers the entire spectrum of educational activities and policies, its section on sports has been the most controversial

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\(^{349}\) The 33rd Annual Congressional Quarterly Almanac. 95th Congress 1st Session, 1977, 480.

since it goes to the heart of what society has traditionally thought of as being “men’s” or “women’s” territory.\(^{351}\)

Furthermore, Congress approved the *Education Amendments of 1976*, which gave women equal opportunity in vocational programs. The law included provisions to remove sex bias in federally funded programs.\(^{352}\)

Gerald Ford continued with the same educational programs that were established before his presidency. Just like his predecessor, President Ford tried to cut federal spending of existing programs, but only succeeded in minor grant consolidations. The biggest advances made during his term in office were the extensions of the *Elementary and Secondary Education Act*, education for the handicapped, women’s rights, and Higher and Vocational Education Amendments.


Jimmy Carter intended to lead a compassionate government, but the difficulties he encountered and his political inexperience limited his domestic agenda. During this time, economic difficulties affected the allocations supporting education. The energy crisis raised the operational costs of schools, and inflation and demands for higher teaching salaries distressed the budgets of school districts. During 1976’s presidential campaign, Jimmy Carter promised to establish a separate cabinet for education and increase federal


assistance. The promise of an Education Department found strong support from education lobbyists, who saw education as a low priority in the government.

Present statistics do indeed support that complaint: While the 1977 budget for health will go up by $8 billion, that for education will actually decline by $600 million.\(^{353}\)

Dropout rates and violence in schools were at very high levels. For example, in New York City, the high school graduation rate was below 50 percent, and it was projected to increase due to the economic crisis.\(^{354}\) Another issue that affected public schools was declining enrollment. Many Caucasian middle-class families moved to suburban areas, while still other Caucasian parents pursued private schools where they would have more control in the educational decisions. For other families’, private schools was a way to express the discontent with the public system.

Race and class issues continue to contribute to enrollments in private schools. The resurging controversy over subbing to end segregation and the integration issue itself, made for an overwhelmingly white and middle-class enrollment.\(^{355}\)

On November 1, 1978, Jimmy Carter signed a five-year extension of the Elementary and Secondary Education Act of 1965 (Public Law 95-561),\(^{356}\) which

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\(^{356}\) \textit{An Act: To extend and amend expiring elementary and secondary education programs, and for other purposes.} Public Law 95–561, 95 Congress, 2\(^{nd}\) sess. 92 Stat. 2143 (November 1, 1978).
increased funding for education; stressed basic courses such as reading, writing, and mathematics skills; and streamlined the paperwork related to federal grants.\textsuperscript{357}

Basic courses were emphasized as a reaction to a decade of low-scoring Scholastic Aptitude Testing for college entrance exams. Many high school students were ill-prepared for testing because of the new electives that replaced traditional English and mathematics courses.\textsuperscript{358} Concerns regarding the continuous decline in test scores on college entrance exams led to states developing academic tests.

During this academic year, Connecticut high school students will be taking state-developed proficiency tests to determine academic competency in language arts, mathematics, and reading. This is a direct response to declining test scores on standardized achievement tests and the Scholastic Aptitude Tests (College Boards).\textsuperscript{359}

Regardless of the support of the National Education Association and other interest parties, it was not until October 17, 1979, that the Department of Education was created.\textsuperscript{360}

In the signing of the law, President Carter stated,

Primary responsibility for education should rest with those States, localities, and private institutions that have made our Nation’s educational system the best in the world, but the Federal Government has for too long


failed to play its own supporting role in education as effectively as it could. Instead of assisting school officials at the local level, it has too often added to their burden. Instead of setting a strong administrative model, the Federal structure has contributed to bureaucratic buck passing. Instead of simulating needed debate of educational issues, the Federal Government has confused its role of junior partner in American education with that of silent partner.361

Carter highlighted the role of the newly created Department of Education as an indication of the great priority that education was for his administration by its hopes of facilitating accountability, saving money due to reorganization, creating more effective programs, and giving localities control of their public schools and programs.362

Controversial discussions regarding bilingual education sprawled throughout the country during Carter’s administration. Opposition to instruction in a language other than English gained momentum and support from many congressmen. Regardless of the Supreme Court decision’s case  

*Lau v. Nichols* (414 U. S. 563) for fiscal year 1981, the fact that the Federal Government would only provide a third of the necessary $591 million for bilingual education programs ignited resistance toward the implementation of such programs. The bilingual programs required that students learned mathematics, science, social studies, and reading in their native language while they acquired English as a second language. The goal was for these students to continue learning basic subjects while also learning English. Various educational organizations like the National School Boards Association, the American Federation of Teachers, and the Council of Chief State

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362 Ibid.
School Officers opposed the strict regulations and argued that curriculum decisions needed to take place at the local level.\(^363\)

During the House consideration of the fiscal 1981 Labor-Health and Human Services-Education appropriations bill (HR 7998), John M. Ashbrook, R.–Ohio, succeeded in winning approval of an amendment to prevent the Department of Education from enforcing those regulations. Ashbrook contended that the proper way to meet the needs of students who could not speak English was to give them intensive English language instruction. He also argued that local schools should have the right to determine how to approach the problem, calling the bilingual education regulations “one of the most outrageous and ill-conceived power grabs ever attempted by federal education officials.” The amendment was adopted by a vote of 213-194.\(^364\)

This amendment did not pass the Senate Appropriation Committee, although funding was eventually provided through emergency resolutions. The regulations that emerged from the 1974 *Lau v. Nichols* case (requiring school districts to address the educational needs of non-English speaking students) were not enforced until June 1, 1981.\(^365\)

In June 1978, an important development for bilingual education occurred when Roy Castañeda, the parent of two Mexican American children, filed a lawsuit against the Raymondville Independent School District (RISD) in Raymondville, Texas due to discrimination. Castañeda argued that the lack of appropriate bilingual programs did not allow his children to participate equally in classroom and school activities. On August 17, 1978, the district court ruled in favor of the school district. Castañeda appealed this

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\(^365\) Ibid.
decision, stating there were no appropriate methods to measure the school district programs that would assist his children in their language barriers. At this time, the school district had a racial composition of 83 percent Mexican American, with the rest of the student population being Anglo-Saxon. Furthermore, the district had a history of past discrimination and unlawful segregation, which applied not only to the student population, but also to their employment practices. Judge Judy Randall ruled,

Specifically, on remand, the district court is to inquire into the history of the RISD in order to determine whether, in the past, the district discriminated against Mexican-Americans, and then to consider whether the effects of any such past discrimination have been fully erased. The answers to these questions should, as we have noted in this opinion, illuminate the proper framework for assessment of the merits of the plaintiffs' claims that the ability grouping and employment practices of RISD are tainted by unlawful discrimination. If the court finds that the current record is lacking in evidence necessary to its determination of these questions, it may reopen the record and invite the parties to produce additional evidence.

The question of the legality of the district's language remediation program under 20 U.S.C. § 1703(f) is distinct from the ability grouping and teacher discrimination issues. Because an effective language remediation program is essential to the education of many students in Raymondville, we think it imperative that the district court, as soon as possible following the issuance of our mandate, conduct a hearing [**80] [original text illegible] to identify the precise causes of the language deficiencies affecting some of the RISD teachers, and to establish a time table for the parties to follow in devising and implementing a program to alleviate these deficiencies. The district court should also assure that RISD takes whatever steps are necessary to acquire validated Spanish language achievement tests for administration to students in the bilingual program at an appropriate time during the 1981–82 academic year.366

The court ruling provided additional guidance for the implementation of programs directed to meet the needs of limited English proficient students by requesting

implementation of programs based on educational research that is implemented in a timely manner and evaluated for its effectiveness.

During his time in office, Jimmy Carter continued to support increased opportunities for equality in education. The demands for racial equality and quality education found a voice in the courts while the educational policies implementation was not always consistent—reflecting the ambiguity of the nation and affecting disadvantaged and poor students.

**Ronald Reagan, 1981-1989**

In Ronald Reagan’s presidential campaign, he spoke of his desire to do away with the Department of Education, the need to decrease the federal government’s role in education by transferring the responsibility to state and local governments, and the importance of providing choices to families that wish to send their children to private or religious schools.367

As president, Reagan implemented deep budget cuts that severely affected the services provided for elementary and secondary education programs. In 1980, $16,028,686 billion was spent in kindergarten to twelve grade programs. By 1982, the allocations for these programs were down to $14,839,241 billion.368 These cuts affected assistance for educational programs for the disadvantaged and disabled, aid to bilingual education, school library funding, vocational schools, and adult literacy programs, among


others. There was also consolidation of programs into block grants that allowed flexibility in money allocations. In addition, there was a reduction in federal assistance for school districts servicing high populations of federal employees. Moreover, student loans faced a more selective criteria by limiting eligibility.369

For President Reagan, these budget cuts were not as deep as he preferred as they encountered restrictions from Congress who did not want to jeopardize federal-supported programs for needy and handicapped children.370

The economic recession of 1982 had an effect on the midterm elections, giving the Democratic Party control of the House of Representative. The 98th Congress had a more independent agenda from the White House. Perhaps, influenced by the National Commission on Excellence in Education’s report, A Nation at Risk, Congress reversed some of its drastic measures that affected the Department of Education’s budget.371 Not everyone was in agreement with the report since it was conducted by a committee put together by the Secretary of Education, T. H. Bell, who was part of a government agency representing the administration, the government, and the president.

Critics cite errors in the evidence marshaled by the commission, such as the statement that “College Board achievement test also reveal consistent declines in recent years in such subjects as physics and English.” A spokesman for the College Board said Tuesday that this was incorrect.

They have accused the commission of ignoring evidence that contradicted its thesis. Ernest L. Boyer, president of the Carnegie


370 Ibid.

371 Ibid.
Foundation for the Advancement of Teaching, which is completing a study of American high schools, said the report had not mentioned widely published data from the National Assessment of Educational Progress and various state testing programs that the performance of elementary and junior high school students, on the basic mathematics and reading skills, has improved since the mid-1970’s.372

President Reagan noted that the federal government was to blame for the failure of schools since for the last twenty years, the federal government’s role in education had increased. Reagan stated that education was the parents’ rights and primary responsibility and that the government could not take that away. The president reiterated his intention to keep the education budget low, and his proposed tuition tax credit for parents with children in private or religious schools.373

The A Nation at Risk report considered that the very foundation of American society and its core values were at risk.

Part of what is at risk is the promise first made on this continent: All, regardless of race or class or economic status, are entitled to a fair chance and to the tools for developing their individual powers of mind and spirit to the utmost. This promise means that all children by virtue of their own efforts, competently guided, can hope to attain the mature and informed judgment needed to secure gainful employment and to manage their own lives, thereby serving not only their own interests’ but also the progress of society itself.374

In general, the A Nation at Risk study reported on the nation’s educational conditions with special attention given to secondary schools. The commission found that


the educational opportunities provided at the elementary, and especially at the secondary level, were inadequate. The report recommended a need to return to the basics in high school—meaning four years of mathematics, English, social studies (including studies pertaining to the U.S. Federal Government), science, plus two years of foreign languages and economics or business. This recommendation applied to college-bound as well as vocational track students.\(^{375}\)

Furthermore, the report recommended:

- the establishment of rigorous and measurable standards in schools
- longer school days that productively utilized time
- the need to strengthen teaching preparations
- the need to attract talented professionals into teaching careers
- that school boards and school administrators take a bigger leadership role with a goal of making teaching a respected profession
- the need for citizens to hold legislators and school leaders accountable to achieve these goals while developing a nationwide interest in education\(^{376}\)

The original domestic agenda set by Ronald Reagan, which reduced the federal government’s role in education, changed its course suddenly, bringing education to the forefront and making it a top priority for the nation. Although he tried, Reagan was unable to eliminate the Department of Education, and his proposal to provide tuition tax credit for parents of children in private or parochial schools was rejected by Congress, as

\(^{375}\) Ibid., 17.

\(^{376}\) Ibid., 27-33.
well as a constitutional amendment to allow prayer in schools. Another critical aspect of Reagan’s education policy seemed to be the lack of cohesion.\textsuperscript{377} For fiscal year 1984, allocations for elementary and secondary programs increased to $15,292,409 billion up from $14,527,848 in 1983.

In 1983 and 1984, Congress re-authorized legislation for college student aid,\textsuperscript{378} education and vocational training for the handicapped,\textsuperscript{379} and the \textit{Omnibus Education Bill}—which funded existing programs for bilingual education, Indian education, asbestos detection and control, \textit{General Education Provisions Act} (GEPA), adult education, and women’s education.\textsuperscript{380} This bill authorized 4 percent of the federal bilingual allocation to be used for alternative methods such as English as a Second Language or immersion with some assistance in the students’ first language. This was a change for bilingual education and now, since \textit{Lau v. Nichols} in 1984, schools have been providing native-language instruction in the bilingual programs.


In 1983, assistance for college students allowed consolidation of loans and authorized the Department of Education to use the same eligibility criteria. Later in 1984, the law was extended thru the 1986–1987 academic year. Nevertheless, during the Reagan era, significant increases in college tuition occurred.

Efforts to reform and restructure public schools were the focus of Reagan’s second term. For example:

- high school graduation requirements were strengthened
- attempts to improve working conditions for teachers led to an increase in teachers’ salaries
- the National Board for Professional Teaching Standards was created with an objective of developing national teachers’ certifications

The business community expressed their vested interest in education by their desire to create partnerships with public schools in their communities, and equally important, to have parents became part of the decision making process of the schools. School desegregation continued, but without the support of the presidents’ office. In addition, schools were concerned about the rise in the consumption of illegal drugs and

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the AIDS virus and so embraced instructional programs to help with these social issues.  

Nevertheless, in his second term, President Reagan signed legislation that reinforced the rights of parents of handicapped children to receive refunds for legal fees incurred in special education legal cases.  

Furthermore, Congress re-authorized legislation that provided services for handicapped children in preschool.  

In 1988, the major piece of legislation passed by Congress was the reauthorization of the *Elementary and Secondary School Improvement Amendments of 1988*. A controversial component of this legislation was President Reagan’s opposition to bilingual education. The Reagan administration advocated for school districts to have a flexible approach to assist children with limited English proficiency, not through bilingual education. Some of the alternatives proposed were English as a second language

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383 Ibid.  


and immersion programs in English only. The legislation approved 25 percent of funds allocated for bilingual programs to be used in new experimental methods.\textsuperscript{387}

Also in Reagan’s second term, Congress became more independent from the White House. This helped contained Reagan’s plan of eliminating the social programs of the Great Society through fiscal starvation. The \textit{A Nation at Risk} report renewed national interest in education reforms through legislation and fiscal support. Even though Reagan’s agenda was to eliminate the Department of Education, he eventually agreed with the education reforms.

\textbf{George H. Bush, 1989-1993}

George H. Bush started his presidential nomination acceptance with a campaign promise to be mindful about education.

\begin{quote}
Every one of our children deserves a first rate school. The liberal democrats want power in the hands of the federal government. I want power in the hands of parents. I will increase the power of parents. I will encourage merit schools. I will give more kids a Head Start. And I'll make it easier to save for college.\textsuperscript{388}
\end{quote}

The impact of the \textit{A Nation at Risk} report put pressure on school reforms. The business community was concerned about the lack of preparation among high school students and the direct economic impact. Education became an important topic as it was believed that a labor force that wasn’t up to par academically with the rest of the world hindered the U.S.’ abilities to compete in business. Nevertheless, President Bush was not

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in favor of expanding the Federal Government’s role in education. Feeling the same as his predecessor President Reagan, Bush considered education primarily a state and local responsibility. With that in mind, George H. Bush invited governors to an Education Summit on September 27 and 28, 1989. At the Education Summit in Charlottesville, Virginia, the president and the governors agreed to seven educational goals that the nation should achieve by 2000. These goals were aimed at maintaining the United States’ competitiveness in international markets. The seven goals were:

—“The readiness of all children to start school.”
—Student performance on international achievement tests, especially in math and science.
—Reduction in the dropout rate and improvement in the academic performance of “at risk” students.
—Achievement of functional literacy for all adults.
—Providing the training necessary to create a competitive work force.
—Recruitment and retention of qualified teachers.
—Establishment of safe, drug-free school.

Summit participants saw the event as an important attempt to address the need of reform in education. But, as Governor Mario Cuomo of New York indicated, reforms must have financial support.

By inviting the governor to Charlottesville, Mr. Bush has drawn attention to the education issue—an issue he highlighted in the Presidential campaign, when he said he would become the “education President” and pledged to tackle such problems as school dropout rates,

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390 Ibid.
adult illiteracy and many students’ ignorance of geography, mathematics and science.391

In Bush’s State of the Union Address on January 31, 1990, he reiterated the seven goals established at the summit.392 Bush was criticized for the lack of monetary support available to achieve these goals.

House Speaker Thomas S. Foley said today that President Bush was failing to back up his oratory about educational excellence with Federal money and the Administration’s proposed 2 percent spending increase for schools was “meager” and “tepid.”393

Furthermore, Foley expressed his frustration about the minimal increase because it did not address the education gap that the country was experiencing, it indicated the lack of commitment from the president to invest in education, and state and local agencies were in no position to absorb the cost. Economic difficulties resulted in budgetary constraints and did not have room for school reform.

However, the goals established by the governors’ summit led to some legislation initiatives. On May 30, 1990, Congress approved a bill that would assess the performance of Chapter I of the Elementary and Secondary Education Act of 1965 that served the disadvantaged population—allocating $6 million for this purpose.394 Later that year,


Congress approved legislation to revamp federally funded vocational education programs. The bill provided more flexibility in the use of money for students that were not college bound. On November 16, 1990, President Bush signed into law a bill that provided incentives for innovations in the teaching of math, science, and engineering; and scholarships for the improvement of teaching approaches in these subjects, which were designed to increase women, minority, and disabled individuals’ participation in these fields. For fiscal year 1991, $149.1 million was authorized for Bush’s bill.

The legislative landmark of Bush’s presidency was the reauthorization of the Education of the Handicapped Act (Public Law 101-476), which allocated $312 million for fiscal year 1991, increasing to $409 million in fiscal year 1994. The law included a transition program from school to mainstream society and allowed parents to...

395 An Act: To amend the Carl D. Perkins Vocational Education Act to improve the provision of services under such Act and to extend the authorities contained in such Act through the fiscal year 1995, and for other purposes Public Law 101–392, 101 Cong. 2nd sess. 104 Stat. 753 (September 25, 1990).

396 An Act: To promote excellence in American mathematics, science and engineering education; enhance the scientific and technical literacy of the American public; stimulate the professional development of scientists and engineers; increase the participation of women and minorities in careers in mathematics, science, and engineering; and for other purposes. Public Law 101–589, 101 Cong. 2nd sess. 104 Stat. 2881. (November 16, 1990).

397 An Act: To amend the Education of the Handicapped Act to revise and extend the programs established in parts C through G of such Act, and for other purposes. Public Law 101–476, 101 Cong. 2nd sess. 104 Stat. 1103. (October 30, 1990).
be refunded for expenses incurred when placing their disabled child in alternative programs.398

The absence of a clear domestic educational agenda was a point of conflict in Congress. Republicans preferred less government interference and minimal monetary support. Bush was in favor of school parental choice to develop competition. Since the vouchers would provide assistance to families to help pay for private education schooling and not public school education, the voucher approach was not supported by Democrats. Educators and Democrats preferred an increase in federal allocations in order to improve education. The opposite approaches to educational reform caused a gridlock in Congress.

On December 12, 1990, Lauro Cavazos stepped down as secretary of the Department of Education. At that time, the educational agenda had not made big progresses as the Bush campaign had promised. On March 14, former governor of Tennessee, Lamar Alexander, became the new Secretary of Education. Expectations were high for Alexander since not much improvement had been made after the announcement of the goals made during the Education Summit.

It proved much easier to enunciate the goals, however, than to figure out how to achieve them. Task forces of the governors and White House staff continue to labor over that problem, with no concrete recommendations in sight. Mr. Bush’s proposed 1992 Federal budget offers modest increases in some areas, particularly the widely praised Head Start preschool programs, but no large influx of money. Some states and cities are trying radical ways to overhaul schools, but are years away.399

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Not wasting any time, Alexander prepared an education strategy called, “America 2000.” The plan was not a specific program but more of a strategy to accomplishing educational goals in the next nine years. President Bush presented the plan to the nation on April 18, 1991.

By 2000, we've got to, first, ensure that every child starts school ready to learn; second one, raise the high school graduation rate to 90 percent; the third one, ensure that each American student leaving the 4th, 8th, and 12th grades can demonstrate competence in core subjects; four, make our students first in the world in math and science achievements; fifth, ensure that every American adult is literate and has the skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship; and sixth, liberate every American school from drugs and violence so that schools encourage learning.

Our strategy to meet these noble national goals is founded in common sense and common values. It’s ambitious and yet, with hard work, it’s within our reach. And I can outline our strategy in one paragraph, and here it is: For today's students, we must make existing schools better and more accountable. For tomorrow's students, the next generation, we must create a new generation of American schools. For all of us, for the adults who think our school days are over, we've got to become a nation of students—recognize learning is a lifelong process. Finally, outside our schools we must cultivate communities where learning can happen. That's our strategy.400

The most controversial educational items were the budget cuts, the proposal for new national standards and an assessment system. The education budget cuts would affect low socioeconomic neighborhoods, but would use taxpayer money to help pay for private schools. So in essence, the proposed new testing system would not be favorable to the disadvantaged population. As to be expected, the president’s plan was questioned by the press, Congress, and other constituents that advocated for equal educational opportunities.

opportunities for all children—especially in the inner cities. Eventually, it was determined that the president was unable to use taxpayers’ money to pay for private schools.

The last two years of Bush’s presidency did not create big changes but he did have two important education objectives:

- to create a national testing to measure achievement
- to provide parents choices when selecting a school

According to Congress and the Nation:

The plan included voluntary national testing for fourth-, eighth-, and 12th-grade student; merit pay for teachers; reduction of regulations; and the creation of 535 innovative “new American Schools” funded by the federal government and private businesses. American 2000 became Bush’s education rallying cry, and he and Alexander barnstormed the country to enlist cities and states to join.

The education legislation approved by Congress tried some new ideas proposed by President Bush and addressed issues in the A Nation at Risk report. For example, the Education Council Act of 1991 created a commission that analyzed how time was utilized in school, and considered the need to lengthen the school year. The business communities concerns in relation to the lack of preparation of the workforce, were heard

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by Congress. The National Literacy Act of 1991\textsuperscript{404} provided adult literacy programs and Literacy Resource Centers. In 1992, the newly created National Institute for Literacy received $15 million for federal literacy programs. Additional allocations allowed literacy programs at the workplace, and in federal and state prisons. Likewise, the alarming high school dropout rates led to the passage of the Children and Youth National Dropout Prevention Act of 1991.\textsuperscript{405} The goal of this law was to provide prevention through mentorship and support to keep young adults and disabled children in high school. The law also served illiterate adults who are disabled, homebound, or in hospitals.

The Higher Education Amendment of 1992\textsuperscript{406} allowed students attending college to obtain federal grants. The reauthorization of this bill was for five years with the awarded amount increasing each year. Eligibility would normally depend on family income, but a change in the law included middle class families. This was a tremendous change to the previous legislation, which had only assisted the poorest students.\textsuperscript{407}

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\item An Act: To enhance the literacy and basic skills of adults, to ensure that all adults in the United States acquire the basic skills necessary to function effectively and achieve the greatest possible opportunity in their work and in their lives, and to strengthen and coordinate adult literacy programs. Public Law 102–73, 10s Cong. 1\textsuperscript{st} sess. 105 Stat. 333. (July 25, 1991). http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein.statute/sal105&id=333&collection=ssl &index=statute/sal (accessed November 18, 2011).
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After Operation Desert Storm, President Bush did not tap into his popularity to get educational reform legislation moved through Congress. That missed opportunity, along with the lack of a clear educational agenda, especially in the last two years of his administration, defeated Republicans at the election polls.

But George Bush’s problem was simpler than that. It was not that he couldn’t choose between right and center; he had no program that he seemed much to care about from either right or center. The eclectic first Bush administration got things done; the reactive second had no real agenda, moderate or conservative, expect reelection and living happily ever after. And people understood that.

William J. Clinton, 1993-2001

As a Democrat, President Bill Clinton not only was concerned with issues of equity and access to education, but also with the quality of education that students received. Even at the 1989 Education Summit, then-Governor Bill Clinton was interested in education. Bill Clinton saw the federal government’s role as the great equalizer that could achieve social equity by providing access to quality education to children from low socioeconomic status. During his first term in office, President Clinton was able to sign legislation that amended the National and Community Service Act of 1990, the Goals 2000, and re-authorized the Elementary and Secondary Education Act.

On April 30, 1993, which was also the 100th day of Bill Clinton’s administration, Clinton announced that in a few months, the Secretary of Education would publicize higher national education standards for public schools with more flexibility at the local

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school levels. In addition, the president planned to relax the terms of college loans for lower and middle class students while at the same time, renew the commitment to community service. These students would have to serve their communities through a service program, referred to as the *National and Community Service Trust Act*, as a condition to their college funds.410

Later, by June 1993, President Clinton was able to obtain bipartisan support for the *National and Community Service Trust Act* in exchange for payments toward school loans. This was the first bill initiated by Clinton’s office.411 With the assistance of Senator Edward M. Kennedy, legislation was able to overcome Republicans opposition. For President Clinton, this was a positive political move since it was a campaign promise of his to enhance the education of thousands of college students, create new leaders, and help recreate the spirit of community in the country.412 The *National and Community Service Trust Act* legislation was signed on September 21, 1993—a law that allowed volunteers to meet community needs in exchange for minimum pay and eligibility to federal grants.413


413 An Act: To amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes. Public Law 103–82, 103 Cong. 1st sess. 107 Stat. 785 (September 21, 1993).
Likewise, on April 21, 1993, Bill Clinton sent to Congress an endorsement for Goals 2000: Educate America Act. The main objective of this legislative proposal was to provide a framework and the resources for states to improve education. Originally, the bill had six national goals allowing states more flexibility in the use of allocations for reforms.⁴¹⁴

The idea of this legislation began with President George H. Bush’s desire to be the “education president.” After the 1989 Virginia Educational Summit gathering, national education goals were developed. When the A Nation at Risk report came out in 1993, the education reform movement took shape originating the need for accountability and improvement of the national education system.⁴¹⁵

In Clinton’s State of the Union Address on January 25, 1994, he signaled the need for the country to have a world-class education by providing the necessary resources and supporting teachers to reach these goals.

Our Goals 2000 proposal will empower individual school districts to experiment with ideas like chartering their schools to be run by private corporations or having more public school choice to do whatever they wish to do as long as we measure every school by one high standard: Are our children learning what they need to know to compete and win in the global economy? Goals 2000 links world-class standards to grassroots reforms. And I hope Congress will pass it without delay.


Our school-to-work initiative will for the first time link school to the world of work, providing at least one year of apprenticeship beyond high school. After all, most of the people we’re counting on to build our economic future won’t graduate from college. It’s time to stop ignoring them and start empowering them.\(^{416}\)

On February 8, 1994, the Senate approved Goals 2000—legislation that was seen as a real change in education after many years of debate. Goals 2000 created voluntary national education goals and targeted the year 2000 as the date by which American students should be number one in math and science, when compared to other developed nations. The legislation would also increase federal funds to local schools.\(^{417}\) Eventually, the \textit{Goals 2000: Educate America Act}\(^ {418}\) was approved by the Senate on March 26, 1994, and signed into law by President Clinton on March 31. The new law provided funds to improve schools nationwide with $400 million going directly to states and local school agencies.\(^ {419}\)

Later in 1994, the reauthorization of the \textit{Elementary and Secondary Education Act} for a five year period was possible even though Congress has been in a stalemate.

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\(^{418}\) \textit{An Act: To improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs, to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.} Public Law 103–227, 103 Cong. 2nd sess. 108 Stat. 125. (March 31, 1994). http://www.heinonline.org/flagship.luc.edu/HOL/Page?handle=hein.statute/sal108&id=151&collection=ssl &index=statute/sal (accessed December 13, 2011).

regarding the approval of legislation. This was not the case for education. Senator Edward M. Kennedy supported the renewal of this legislation and the provision that would direct more federal assistance to deprived areas. The Republicans expressed their concerns regarding the federal government’s role in local schools, but were pleased that smaller states with higher Native American population would receive an increase in their allocations for education.420

On October 20, 1994, President Clinton signed the reauthorization of the Elementary and Secondary Education Act—a law that allocated $12.7 billion for the fiscal year 1995.421

Provisions of additional money for impoverished school districts and cuts for wealthy areas were not approved in the final bill. The more affluent districts did not see their allocations reduced, although some low-income schools did receive a small increase.422

During 1995 and 1996, Republicans made efforts to eliminate the Department of Education, thereby limiting education allowances that would benefit President Clinton’s programs. The Republican members of Congress forced two government shutdowns during Clinton’s first administration. These shutdowns had negative political


repercussions for the Republican Party, which made damage control necessary for the Republicans and led to more negotiations in Congress regarding government spending.

But the Republicans ran into a buzz saw of political opposition from the White House and the Democrats over proposed cuts in education, health, jobs, and environment programs. In recent months in particular, as President Clinton’s commanding lead in the polls has raised Republican anxiety, Congressional budget negotiators have given way to White House demands to shift money back to some of President Clinton’s pet projects: the national service program known as Americorps; Goals 2000, the White House plan to improve the quality of education; and COPS, a program to add police officers throughout the country.423

In President Clinton’s State of the Union Address on February 4, 1997, he made education his number one priority for his second term in office. His ultimate goal was “to ensure that all Americans have the best education in the world.”424 To achieve this goal Clinton’s plan included:

- national standards
- teacher training improvements
- reading initiatives
- Head Start expansion
- parents having choices in the schools their child attends
- character education programs that teach values and civic virtues
- infrastructure improvements and construction


- post-secondary education opportunities
- technology education
- lifelong learning opportunities

Although President Clinton’s impeachment and bipartisan disagreements took center stage during this time period, Congress re-authorized important legislation such as:

- the *Individuals With Disabilities Education Act Amendments of 1997* (IDEA). The goal of this law was to provide quality instruction to children with disabilities that was comparable to a regular curriculum.
- re-authorization of the *Higher Education Act of 1965*.
- the approval of the improvement and expansion of charter schools.
- the right for local school districts to waive federal requirements considered impediments for school improvement.

Yet, Congress failed to reauthorize the *Elementary and Secondary Education Act in 1999* and tried to dismantle bilingual education.\(^{425}\)

On June 4, 1997, Bill Clinton signed the IDEA re-authorization.\(^{426}\) This bill was a bipartisan effort that allowed more flexibility to school administrators to discipline disabled students while keeping schools safe.\(^{427}\)


In 1998, Senator Edward Kennedy sponsored the bill that increased federal assistance to college students, providing loans at very low interest rates. The *Higher Education Act*[^428] was approved unanimously in both chambers of Congress. In addition to financial incentives, some loans could be forgiven for graduates that work in poverty schools.[^429]

At the same time, perceptions against bilingual programs gained momentum after California voters approved Proposition 227 on June 2, 1998. This proposition gave California schools sixty days to eliminate bilingual programs. Even though the legislation was challenged in federal court, the sponsor of the bill, Ron Unz, did not see any serious legal issues.[^430] Educators across the country reacted adversely about the measures taken with Proposition 227 especially the fact that limited English proficient students would now be placed in a year long English immersion program, which could not be extended for more than one year, before going into mainstream regular English classes. Taking extremes to educate language minorities was not a new position for educators; similar situations had occurred in teaching reading with the whole language approach.


program and mathematics with the change from drills to a word problem approach. In addition, researchers recognized the difficulty and skills necessary for educating non-English speaking children.\textsuperscript{431}

Another legislation meant to expand and improve charter schools was the \textit{Charter School Expansion Act of 1998} (Public Law 105-278).\textsuperscript{432} President Clinton’s goal was that by the year 2002, there should be 3,000 charter schools in the country. Clinton considered it important to provide parents with choices for better schools with high accountability.

As the charter school movement spreads throughout the country, it is important that these schools have clear and measurable educational performance objectives and are held accountable to the same high standards expected of all public schools. To further this goal, H.R. 2616 requires the Department of Education to give priority in awarding grants to States in which the performance of every charter school is reviewed at least once every 5 years to ensure the school is fulfilling the terms of its charter and students are meeting achievement requirements and goals. It also will reward States that have made progress in increasing the number of high-quality, accountable charter schools. Finally, it makes clear that any charter school receiving funding under this program must be measured by the same State assessments as other public schools. These important quality control measures will help charter schools fulfill their potential to become models of accountability for public education.\textsuperscript{433}

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The need to align the political parties with voters’ priorities assisted in the approval of legislation that would allow school districts more flexibility in the use of federal aid. The bill came to a standstill when Democrats proposed an amendment to hiring more teachers designed to reduce class sizes and to wait for the results of a study that analyzed the performance of pilot programs that eased federal requirements. On April 21, 1999, Congress endorsed legislation that permitted local schools greater spending flexibility of federal money. The new law permitted states to apply to the Department of Education for a statewide waiver to free them from some regulations. To take advantage of this, states could not be in violation of any civil rights. The Republican Party was interested in demonstrating their role in education and their efforts to reduce the Federal control.

On April 29, 1999, President Clinton signed the *Education Flexibility Partnership Act of 1999*. This Education Flexibility Partnership Act exemplifies, I think, the Founders’ vision of how a properly balanced Federal system of government can work, providing freedom from Federal rules and regulations. This new law will allow States and school districts not just to save administrative dollars, with less headache and red-tape, but actually to pool different funds from different sources in the Federal Government.

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But by demanding accountability in return, it will make sure States and school districts focus on results.\textsuperscript{437}

For the first time in thirty-five years, the reauthorization of the \textit{Elementary and Secondary Education Act} failed to pass Congressional approval. Republicans tried to use the opportunity to revamp federal education policies through block grants while President Clinton was interested in a bigger federal role and tightened control of education standards. Clinton wanted bigger allocations for school construction, reduced class size, and improved teacher training. Eventually, the reauthorization decision was left for the next Congress to decide.\textsuperscript{438}

\textbf{George W. Bush, 2001-2009}

George W. Bush saw education as a federal, state, and local government issue. In his inaugural address on January 20, 2001, President Bush said, “Together we will reclaim America’s schools before ignorance and apathy claim more lives.”\textsuperscript{439} Three days later, Bush was submitting his education reform plan to Congress.

We must confront the scandal of illiteracy in America, seen most clearly in high poverty schools where nearly 70 percent of fourth graders are unable to read at a basic level. We must address the low standing of America test scores amongst industrialized nations in math and science, the very subjects most likely to affect our future competitiveness. We must focus the spending of Federal tax dollars on things that work. Too often, we have spent without regard for results, without judging success or


failure from year to year. We must face up to the plague of school violence. With an average of 3 million crimes committed against students and teachers inside public schools every year, that’s unacceptable in our country.

Change will not come by adding a few new Federal programs to the old. If we work only at the edges, our influence will be confined to the margins. We need real reform. Change will not come by disdaining or dismantling the Federal role of education. I believe strongly in local control of schools. I trust local folks to chart the path to excellence.

But educational excellence for all is a national issue and, at this moment, is a Presidential priority. I have seen how real education reform can lift up scores and schools and effectively change lives. And real education reform reflects four basic commitments.\textsuperscript{440}

The president explained how his plan was based in four guiding principles:

1. annual testing in math and reading

2. flexibility for schools districts to innovate according to their community needs and not as a federal mandate

3. identify failing schools and provide assistance for improvement—especially in poverty areas

4. provide choices for parents of students in failing schools\textsuperscript{441}

According to Diane Ravitch, education professor at New York University, President Bush’s idea was not new. Senator Robert F. Kennedy, thirty-six years before, requested annual evaluations for all programs supervised by the Office of Education. Senator Robert Kennedy wanted to highlight the programs that worked best in deprived


\textsuperscript{441} Ibid.
communities, but at the time, the testing conducted did not offer adequate results since all tests were different and there were no clear parameters. President Bush’s proposal required state testing, which could offer a better outcome.442

The House of Representative conducted hearings throughout the nation in March and May 2001. By May 9, Democrats and Republicans House Representatives reached a compromise that included annual testing, flexible spending of federal aid, and increased federal funding for education. The Republicans left out the provisions that would pay for private school vouchers and religious groups tutoring after school. On May 23, 2001, the House of Representatives approved their version of what would become the No Child Left Behind Act of 2001.443

In the Senate, their own version of the reauthorization of the Elementary and Secondary Education Act was approved on March 8, 2001. Annual testing was a central component of the bill and Democrats were able to obtain increased funding for Title I programs that served low-income areas.444

The House of Representatives and Senate tried to reconcile both pieces of legislation; the final version of the bill was approved by the House of Representatives on

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444 Ibid., 542.
December 13, 2001 and by the Senate on December 18, 2001.\textsuperscript{445} The new legislation, Public Law 107-110, was signed by President George W. Bush on January 8, 2002.\textsuperscript{446}

\textbf{Leader Involvement and Their Arguments.} On March 7, 2001, at the hearings before the Committee on Education and the Workforce of the House of Representatives, House Representative Robert C. Scott from Virginia asked Dr. Roderick R. Paige, Secretary of the U. S. Department of Education, if he agreed with the Office of Civil Rights’ criticisms on the use of one test result for high-stakes decisions. Secretary Paige had the same opinion as the Office of Civil Rights. Paige considered the dependence on one single variable inadequate. An issue that came up at the hearings was that the data testing results would bring information on who were the underperforming schools, but not allow board members and administrators to ignore their needs.\textsuperscript{447}

Hilda L. Solis, from east Los Angeles, California, brought to the attention of the House Representatives the punitive character of the law for English language learners who were given a three-year limit to acquire a new language and be ready to perform at the same level of their mainstream peers at high stake test. This legislation would not acknowledge the different literacy levels that limited English proficient students brought to schools.

\textsuperscript{445} Ibid., 543.

\textsuperscript{446} \textit{An Act: To close the achievement gap with accountability, Flexibility, and choice, so that no child is left behind.} Public Law 107–110, 107th Cong. 1\textsuperscript{st} sess. 115 Stat. 1425 (January 8, 2002). http://www.heinonline.org.flagship.luc.edu/HOL/Page?handle=hein.statute/sal115&id=1493&collection=ssl\&index=statute/sal (accessed December 24, 2011).

\textsuperscript{447} “Leave No Child Behind,” Hearing Before the Committee on Education and the Workforce House of Representatives, 107\textsuperscript{th} Congress, 1\textsuperscript{st} Session. Hearing Held in Washington DC, March 7, 2001, 16-21.
The concerns that I have with respect to the president's proposal on education deals with limited English proficiency. And I know that you probably have much experience dealing with those students, particularly Latino and Asian students who in his proposed plan here, if students are not proficiently taught or compliant in the English language in a matter of three years, then those schools will be penalized, 10 percent of their administrative portion of their bilingual funding would be taken away.

One of the concerns I have is that oftentimes in school districts, and particularly in my area, we have students that come in at different times of the year. We have year-round schools also. But we have many immigrant students that come in from different school districts, many of them have different literacy levels as well. How do you intend to track those students as they go from district to district, and some of are in the migrant program because their parents are migrant, how about those students that come in at age 12 and get slapped with this test? And the test could be the first time they ever read something appropriately or may not even read material because they are not at that standard that has been set for that stage.

We are sending I believe a message that in many cases would be very harmful to the very students that we want to promote, especially promoting their literacy in English. And I am a strong supporter of having that transition, but I also understand that many of the schools that I represent in East Los Angeles and in the San Gabriel Valley and other parts of California are ones that are often penalized negatively because student achievement for these particular students is low. And I would love to hear what you have to say about your proposed plan to help these students? 448

Secretary Paige expressed his beliefs that three years offered enough time for a student to develop English proficiency. Paige stated that the test would present a baseline data, and later, a test that would demonstrate what kind of progress has been made. The No Child Left Behind law would provide resources for educators to make the instructional

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448 Ibid., 22-23.
decisions, implement the necessary strategies to help students, and ask for positive outcomes.  

On March 8, 2001, Dr. Rosalie Pedalino Porter, a member on Board of Directors and Editor of Read Perspectives for the Institute for Research in English Acquisition and Development (READ) in Washington, DC supported the testing requirement for limited English proficient students. In addition, Porter reiterated that this area had been neglected for thirty years so the accountability component was necessary in order to collect data and improve existing programs.

After hearing Porter, the Chairman of the Subcommittee on Education Reform, Michael Castle from Delaware, expressed his concerns about the new legislation in fact helping disadvantaged students.

My concern is to make sure that we are helping those students who I consider to be disadvantaged. Disadvantaged can be a student, obviously, who is bilingual or perhaps not bilingual but lingual in a subject other than the one they are being taught in. Obviously, it usually includes poor children that do not have the same opportunities. It includes poor, more disadvantaged school districts that do not have the same ability to fund to do things or a variety of other reasons, maybe exempting those who are truly so learning disabled that we have to have special programs for them.

Castle requested the opinions of a panel of experts regarding the appropriateness of the president’s legislation. For example:

449 Ibid., 23.


451 Ibid., 17.
• Kurt Landgraf, President and Chief Executive Officer of Educational Testing Service in Princeton, New Jersey, saw the need to connect testing to the local curriculum and standards in order to have fair and equitable testing that would leave no student behind.452

• Mark Musick, Chairman of the National Assessment Governing Board in Washington, D. C., thought that it was necessary to narrow the achievement gap among Caucasian and African American students and felt the government should do something about it.

• On the other hand, Dr. Reid Lyon, Chief of Child Development and Behavior Branch at the National Institutes of Health in Bethesda, Maryland, thought the administration initiatives were directed to children that were not performing at grade level, through no fault of their own, because they came from low socioeconomic statuses, different language backgrounds, and schools that were in need of improvement.

• Dr. Porter did not think that lowering the standards would be beneficial.453

Hearings conducted on March 28, 2001, in Washington, DC, mentioned the correlation between the national immigration policies and the Federal Government’s responsibility to provide bilingual education.454

452 Ibid., 17-18.

453 Ibid., 18.

In addition, Congresswoman Rosa DeLauro from Connecticut voiced the need for a real commitment for education reform.

However, while we insist on accountability and results, we must also make a true federal investment in education. The President's budget proposal provides a $2.4 billion increase for education. He proposes to spend nearly $2 billion of that on reading and Pell Grants. Applaudable; I couldn't be happier with that, but this leaves only a $400 million increase for all other education programs, elementary, secondary, higher education, vocational education, special education.

In that area, I might add, we put a mandate on local government with regard to special education. And what we don't do is to put our money where our mouth is in terms of helping them meet the goals that we have set out for them to embark on. And the $400 million increase doesn't leave, enough for the initiatives we care about, teacher recruitment, training, professional development.455

In addition, the hearings on July 17, 2001, made clear remarks about the need to invest research that would help English language learners and make the connection with the practitioners.456

Dr. Pascal Forgione, Superintendent of School in Austin Independent School District in Austin, Texas said,

We in Austin are a community, one-third of our households are English language learners. Half of our students are Hispanic American. This is a challenge. The good news is, the cognitive research applies in both cases. We are dealing with clear expectations, rigorous, challenging content, accountable talk.

The difficulty is to build the rubric in Spanish so that the teachers can take the children in their own language, build that strong foundation, and then move them into English quickly. That is what we are trying to do.

455 Ibid., 27.

That is why, in fact, Dr. Resnick is working with us, because she wants to work in a community that is committed to true bilingual education with every student being dual-language competent.457

The new *No Child Left Behind* law consolidated bilingual education programs into a single grant. Testing of limited English proficient students was required after three consecutive years in American public schools. The previous legislation demanded that 75 percent of bilingual education federal funds be utilized for instruction in the child’s native language. This prerequisite was removed, providing more flexibility in the use of federal money.458

*Title III* of the *NCLB Act of 2001* did not specify any particular program of instruction. The law stated that any program that was chosen needed to be scientifically supported. In addition, it was clear that regardless of the program, all limited English proficient students needed to acquire English and reach academic success as defined by each state. The 2002-2004 Biennial Evaluation Report to Congress on the implementation of *Title III* listed programs that were implemented by the states.

Sheltered English instruction, pull-out English as a second language (ESL), content-based ESL, structured English immersion, dual language, and transitional bilingual education were reported by at least 30 States each. Less frequently reported programs such as two-way immersion, heritage language, and developmental bilingual education still were used by a minimum of 10 States each. Overall:

- Forty States have subgrantees that use bilingual (native language and English) as well as English-only programs;
- Twelve States have subgrantees that use only English-medium programs;

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457 Ibid., 33.

• All 52 States have subgrantees that use some type of English as a second language instructional program; and
• No State uses only one program type.\textsuperscript{459}

The \textit{NCLB Act of 2001} allowed states flexibility in the creation of programs that met the needs of non-English speaking students, focused on English proficiency, and removed language related to bilingual instruction.

Major changes for bilingual education consisted of the following:

• The \textit{Bilingual Education Act, Title VII of the Elementary and Secondary Education Act}, was replaced with the “English Language Acquisition, Language Enhancement, and Academic Achievement Act” and renumbered \textit{Title III}.

• To assist limited English proficient students achieve high academic levels in English. The use of bilingual education methods is not encouraged in the law.

• Programs servicing non-English speaking children were required in order to be scientifically based.

• Funds allocations changed from competitive grants to a population-based formula grant.

• Parental involvement in language instruction, educational programs, and outreach activities were promoted. In addition, parental notification of their

child’s participation in a language-instruction program was required within 30 days of school enrollment.

- Each state was required to conduct annual testing of limited English proficient students who had been in the country for at least three consecutive years.
- Accountability was based on the adequate yearly progress (AYP) shown on testing results through the annual measurable achievement objectives (AMAOs) established by each state educational agency.
- The Office of Bilingual Education and Minority Language Affairs was renamed by the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.\(^{460}\)

On February 19, 2004, Secretary Paige announced new accountability policies for English language learners that provided some flexibility for accountability. Under these new regulations, non-English speaking students enrolled in American public schools for less than a year did not have to take the reading content assessment, but were required to take the mathematics test (with appropriate accommodations) and the English language proficiency assessment. Furthermore, the mathematics assessment results did not have to


The punitive measurements of Title III of the NCLB Act of 2001 have been highly criticized and lead to disapproval from experts on the field. If a school district fails to make progress toward meeting its AMAOs [Annual Measurable Achievement Objectives] 2 consecutive years, they must submit an improvement plan to the state, and the state is required to provide technical assistance in the development and implementation of the plan. If the district fails to meet the AMAOs for 4 consecutive years, the state is authorized to modify the district’s instruction, cut its funds, or replace its personnel. In other words, the state is authorized to take over the school district.\footnote{Terrence G. Wiley and Wayne E. Wright, “Against the Undertow: Language-Minority Education Policy and Politics in the “Age of Accountability,”” Education Policy 18 (2004): 157.}

The National Association for Bilingual Education (NABE) supported the passage of the NCLB Act of 2001 under the assumption that it would bring attention to the needs of English language learners and provide them with opportunities to high academic standards. Unfortunately, the law’s punitive character brought negative attention.

To the contrary, the law does little to address the most formidable obstacles to their achievement: resource inequities, critical shortages of teachers trained to serve ELLs, [English Language Learners] inadequate instructional materials, substandard school facilities, and poorly designed instructional programs. Meanwhile, its emphasis on short-term test results—backed up by punitive sanctions for schools—is narrowing the curriculum, encouraging excessive amounts of test preparation, undercutting best practices based on scientific research, demoralizing dedicated educators, and pressuring schools to abandon programs that have proven successful for ELLs over the long term.
After just two years, NCLB is clearly failing to meet its goals. By setting arbitrary and unrealistic targets for student achievement, this accountability system cannot distinguish between schools that are neglecting ELLs and those that are making improvements. As achievement targets become increasingly stringent, virtually all schools serving ELLs are destined to be branded failures. The inevitable result will be to derail efforts toward genuine reform. Ultimately, a misguided accountability system means no accountability at all.  

A confusing aspect of the *NCLB Act of 2001* was the requirement of proficiency levels for students in the subgroup limited-English proficient since as soon as these students reached the proficiency level, they were no longer in the limited-English proficient subgroup. This aspect of the *NCLB Act of 2001* negatively impacted a school’s performance of the subgroup.  

According to the Biennial Evaluation Report to Congress on the implementation of *Title III* of the *NCLB Act of 2001*, no dramatic changes occurred. The real change occurred in the approach utilized to achieve the final goal, which improved the education of non-English speaking students while attaining academic achievement. The report signaled the lack of cohesiveness among the states’ programs standards, assessments, and AMAOs that served limited English proficient children, resulting in data collection that was not compatible among the states, but provided a baseline for each state.  

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463 James Crawford, Executive Director, National Association for Bilingual Education. No Child Left Behind: Misguided Approach to School Accountability for English Language Learners, September 14, 2004.  
464 Linda Darling-Hammond, “Race, Inequality and Educational Accountability: The Irony of ‘No Child Left Behind,’” *Race Ethnicity and Education* 10, No. 3 (September 2007): 249.  
President George W. Bush’s education reform goals were a welcome development that brought attention to underperforming schools and language minority students. The *NCLB Act of 2001* provided a framework to improve education; but the focus on high stakes testing, implementation, and its punitive component deterred educational opportunities for English language learners. The focus on testing and its negative consequences has changed the spirit of a law that tried to help failing students.

**Summary – Conditions That Existed**

**Economy**

Gerald Ford’s ascendance to the presidency was accompanied by a weak economy that his economic policies were unable to turn around. The country faced inflation issues, economic recession, rising unemployment, and energy shortages. By the second half of 1975, tax cut policies started to show economic signs of recovery. President Ford continued exercising economic restraint that prevented excessive deficit spending. Nevertheless, during Ford’s administration, the national deficit reached record highs.

In 1977, Jimmy Carter won the presidential elections by a narrow margin. During Carter’s administration, a period of economic stagnation and inflation, known as stagflation, was evident. In an effort to jumpstart the economy, President Carter proposed a stimulus program that contained taxpayer rebates, tax reductions, and job creations. But his ambivalence about tax reforms undermined investors’ confidences. By the end of 1980, the double-digit inflation, increased unemployment, and high housing costs caused voters to look to the Republican Party for leadership.
In 1981, Ronald Reagan’s economic plan focused on reducing government spending and taxes, increasing defense spending, and deregulating the financial markets. President Reagan was able to keep his promise, and the nation surpassed the economic crisis. Reagan’s administration implemented deep federal budget cuts, increased defense expenditures, and provided over $280 billion dollars in personal and corporate tax cuts through the *Economic Recovery Tax Act of 1981*. These measures came at a high cost for the national deficit, which reached astronomic proportions and became a point of contention in Congress.

During Reagan’s second term, he was determined to continue moving the country forward.

> We stand on the threshold of a great ability to produce more, do more, be more. Our economy is not getting older and weaker; it's getting younger and stronger. It doesn't need rest and supervision; it needs new challenge, greater freedom. And that word "freedom" is the key to the second American revolution that we need to bring about.466

The economy continued to show strong economic indicators and by the end of Reagan’s administration in 1989, the country had experienced seven years of continuous economic expansion with the lowest unemployment rates since 1974 and inflation rates around 4 percent. However, record budget deficits increased to almost $2.6 trillion dollars by the end of Reagan’s term.467 Reagan’s economic advisers predicted that the

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economy would maintain its strong performance, but the economic development took a moderate pace during the first year of George H. Bush’s leadership.\textsuperscript{468}

President Bush’s economic policies were similar to those of President Reagan: small government, low taxes, and deregulations. Regardless, Bush did not yield the same results. By July 1990, the economy contracted and was affected by the increased oil prices due to the Iraq invasion of Kuwait. There was a reduction of the GNP and increased of inflation and unemployment. The nine-month recession was difficult to overcome, the GDP had negative growth (until 1991), and weak signs of recovery appeared in 1992.

When William J. Clinton took office on January 20, 1993, he offered the nation a new direction. Clinton was committed to taking the country back to high productivity, a prosperous economy, and a reduction of the national debt. His plan included jobs creation, government investments in the nation infrastructure, programs to increase private investments, and a deficit reduction plan.

This economic plan can't please everybody. If the package is picked apart, there will be something that will anger each of us, won't please anybody. But if it is taken as a whole, it will help all of us. So I ask you all to begin by resisting the temptation to focus only on a particular spending cut you don't like or some particular investment that wasn't made. And nobody likes the tax increases, but let's just face facts. For 20 years, through administrations of both parties, incomes have stalled and debt has exploded and productivity has not grown as it should. We cannot deny the reality of our condition. We have got to play the hand we were dealt and play it as best we can.\textsuperscript{469}


Even though there were political risks, Clinton’s economic policies produced sustained growth—the strong economic performance would turn out in victory for him at the polls in the 1996 elections. The national deficit decreased from $290.4 billion in 1992 to $107.3 billion in 1996.\textsuperscript{470} During his second term in office, President Clinton continued to revitalize the economy, creating 22 million new jobs, maintaining the lowest unemployment rates in thirty years, and keeping the federal budget under control. Through the implementation of tax increases and spending cuts, Clinton was able to keep his promise of reducing the national deficit. In fiscal year 2000, at the end of his administration, the government budget had a surplus of almost $236 billion dollars.\textsuperscript{471}

George W. Bush entered the White House on January 20, 2001. The economic expansion of the last eight years experienced a slowdown. President Bush inherited a federal budget surplus that was turned into record deficits affected by extensive tax cuts and the warfare economy after the September 11 attacks.

**Political**

The political conditions in 1974 were rather unusual. President Ford arrived to the White House after Richard Nixon resigned on August 9, 1974. After the Watergate scandal, Ford tried to build the nation’s trust in government but his incoming president “honeymoon” period was short-lived once he granted President Nixon’s pardon. Congress reacted adversely to Ford’s initiatives and did not cooperate with his


administration. In the midterm elections, the Democrats won control of Congress, limiting the approval of legislation introduced by Republicans.

The 1976 presidential elections gave victory to the Democrat Party with the election of James Earl Carter. During his campaign and administration, Carter made many promises that he was unable to carry through. Shortly after his inauguration, Carter encountered difficulties with Congress because he failed to effectively foster cooperation and communication with legislators. However, he was able to create two important federal agencies: the Department of Energy and the Department of Education. He also was able to amend the social security system. Throughout his administration, Carter dealt with inflation and economic recession.

In the 1980 elections, the country shifted to the “right,” looking for solutions to the pervasive economic crisis. Republican Ronald Reagan arrived to the presidency opposing big government, promising to fix the economy, and determined to strengthen the national defense. President Reagan benefited from the favorable political conditions at the beginning of his presidency and was able to pass legislation that allowed him to increase the defense budget and cut government expenditures and taxes. These measures stimulated the economy while at the same time, created a large deficit. During his time in office, President Reagan approved important legislation related to immigration reform, anti-drug abuse, tax reform, and Medicare expansion for the elderly. Furthermore, Reagan’s popularity remained throughout his time in the White House as his administration built a record high deficit that was of great concern for Congress and created tensions in its relationship with the president. The strained relationship between
Congress and Ronald Reagan did not deter Vice President George H. Bush from winning the presidency in 1988 after Reagan served two terms.

President Bush continued the path paved by President Reagan, but in relation to domestic policy, he increased domestic spending and approved legislation that rose federal aid for the poor.

In 1992, William J. Clinton became the forty-second president of the United States. Clinton led the first two years of his presidency with the support of a Democratic controlled Congress. During this time, Clinton passed new crime legislation that included controversial gun control measures, the North Atlantic Free Trade Agreement, and deficit reduction; but his administration mishandled the much-publicized health care reform proposal. The congressional midterm elections gave control of Congress to the Republicans. The Republican majority limited the legislative agenda and produced two government shutdowns. However, President Clinton’s advocacy role for social programs gave him high popularity with the voters as Republicans were perceived as opposed to social programs that aided the poor. In 1996, the election year produced bipartisan cooperation, and yet, President Clinton won the re-election.472

President Clinton’s second term was characterized by sharp divisions between Republicans and Democrats. In 1998 and 1999, Clinton was investigated for presidential misconduct, which occupied most of the political scene. President Clinton was impeached by the House of Representatives, but acquitted by the Senate. This did not go according to the Republican’s plan—they were hoping to remove President Clinton from

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office. Since Clinton was not, it caused the Republicans to act cautiously since they did not want to give the Democratic Party an opportunity to defeat them in the 2000 election. Nevertheless, President Clinton made significant gains with the approval of some domestic programs such as welfare reform and increased federal funds for education.473

The 2000 presidential elections, with the Supreme Court intervention due to the controversial Florida vote recount, gave the presidency to George W. Bush. These unusual circumstances further divided Congress. At the beginning of his presidency, Bush placed domestic issues at the center of his agenda. He promised and carried out education reform, Medicare prescription drugs, and tax cuts, but his focus on domestic policies changed after the September 11 attacks as Bush began a war on terror. The terrorist attacks produced a temporary bipartisan collaboration and Congress passed the USA Patriot Act. This legislation penalized terrorist acts while at the same time compromised civil liberties. The attacks on the United States’ soil produced a political shift to the “right.”

Social

In 1974, the social conditions in America worsened, along with the economy, and the number of people on federal assistance, which increased. President Gerald Ford opposed the government’s role as a solution to poverty—he was interested in reducing funds used for social programs. During his administration, the women’s liberation movement made some strides with the support of Former First Lady, Rosalyn Carter (who was for pro-choice), the passage of legislation that allowed credit opportunities to

473 Ibid., 797-798.
all applicants regardless of gender, and a new law authorizing the garnishment of wages for child support and alimony.

In 1977, the cost of the Great Society programs, initiated by President Johnson in the late 1960s, was exorbitant. Jimmy Carter’s presidential campaign promised welfare reform while recognizing the government’s role in helping the poor. The conflicting bipartisan views in the Senate killed any reform attempts, although restructuring of the Food Stamps Program passed. Similarly, in an effort to control health care cost, President Carter pledged health care reform—a plan that encountered strong opposition in Congress and led to no legislation approval. During his time in office, resistance to the use of federal funds for abortion gained momentum, as well as challenges to Affirmative Action. Furthermore, President Carter did not agree with forcing racial integration, but instead, supported school busing as a remedy for past discriminations, in spite of Congress’ unsuccessful attempts to stop busing. Likewise, Carter was interested in narrowing the disparities in housing practices. The administration proposed amendments to the *Fair Housing Bill of 1968*, which did not pass the Senate. President Carter used an executive order to fortify federal programs that advanced fair housing.

By 1981, a conservative wave seemed to have gathered around the country when President Ronald Regan arrived to the White House. He spoke of changes to liberal social programs that used government allocations and budget restrictions to trim social programs. His social policies “lowered the ceilings” for program eligibility by making sure that to qualify for these social programs, a person really needed to be in the worst condition and not just poor and low-income. This allowed the government to save money,
which continued, even after the country overcame its economic crisis. Congress used budget reconciliation to provide support for established social programs that saved these programs from almost disappearing due to budget restrictions. During Reagan’s administration, civil rights laws suffered setbacks with the open opposition from the administration and their efforts to minimize the effectiveness of the Office of Civil Rights.474

Another legacy of the Reagan Era is deeper race and class divisions. The past eight years have seen the rich get richer and the poor get poorer. In effect, there has been a huge transfer of resources from the poor to the affluent. Inequality has always been a serious national problem, but in the past eight years, we have become a far more unequal society.475

In 1989, George H. Bush won the presidential nomination and continued in the same path established by President Reagan—adhering to a conservative agenda. President Bush’s administration passed two important legislative landmarks: the American Disability Act of 1990 and the expansion of the Clean Air Act of 1970. The American Disability Act of 1990 allowed people with disabilities access to public spaces, equal job opportunities, appropriate telecommunication systems, and requested that all means of public transportation offer adequate access for people with disabilities. The Clean Air Act of 1970 was the strictest control yet of pollutants emission control. During


his time in office, President Bush vetoed a number of social bills including the *Civil Right Act of 1990* that would have banned discrimination in employment.

In 1993, Bill Clinton’s inauguration promised social change and opportunities for America. Clinton was able to carry out many of his campaign pledges such as family leave, welfare reform, preventive and primary care, child care (that included immunizations), and improved and expanded Head Start programs. In addition, Clinton established the Social Security Administration as an independent agency. Also, through an executive order, President Clinton lifted abortion restrictions crafted by the two previous Republican presidents. Clinton supported Affirmative Action, which provided opportunities to minorities in academic institutions and federal institutions. Despite the setback suffered with the passage of health care reform, prosperous economic times allowed President Clinton to move the civil rights agenda forward, and reduce crime, poverty, and unemployment rates.

George W. Bush’s presidency was characterized by conservatism that was supported by his constituency. President Bush supported anti-abortion policies, approved legislation that banned abortion after the first trimester, issued an executive order that allowed religious organizations to use federal funds to provide social services, and redirected sex education programs that used federal funds to teach health education and abstinence.476

In the last twenty-five years of the twentieth century, American social policies moved toward “the right.” In times of economic prosperity, considerations to assist the

disadvantaged led to a willingness to provide opportunities for upward mobility. The social conditions of minorities, in general, were vulnerable to changes in the economy.

**Education**

In education, President Gerald Ford continued the same programs established by former President Richard Nixon. The 1974 *U.S. Commissioner of Education Annual Report* acknowledged the inequalities existing in the nation’s educational system and the financial disparities that deterred local school districts from providing equal education opportunities. Regardless of the *Brown v. Board of Education* decision, housing patterns continued school segregation, leaving the courts to enforce mandatory busing to desegregate schools. Opposition to school busing remained strong, but still, busing continued.

The economic difficulties of the late 1970s had an impact in the education budget. As education resources dwindled, hostility to underfunded bilingual programs grew and gained Congress’ support. In 1979, the *Castañeda v. Pickard* court case provided a framework for bilingual education requiring that programs be research based, appropriately implemented, and evaluated for effectiveness. Nevertheless, the struggle for equality in education found a voice in court that was not consistent with the national sentiment.

During Jimmy Carter’s presidency, public education enrollment declined as Caucasian middle class parents opted for private education or moved to suburban school systems. Discontent existed with public education and its low graduation rates, increased school violence, and low-performance in the Scholastic Aptitude Test for college
entrance exams. In 1979, President Carter kept his campaign promise, creating the Department of Education. He considered this newly created agency an indication of government’s interest in education and the desire to create educational programs that could raise academic standards.

By the time Ronald Reagan came to office, the need to reduce big government spending took precedent. Implemented were deep federal budget, which affected the education programs for minorities and the disabled. In 1983, after the *A Nation at Risk* report, education became a national priority and Congress reversed some Department of Education cuts. In addition, the business community expressed an interest in creating partnerships with local school districts. Desegregation continued without the support from the president. The Reagan administration proposed alternative approaches to bilingual education to meet the needs of language minority students.

In 1989, vice president George H. Bush became president. Bush was interested in education reform, but considered education a state and local priority. At a governors’ education summit meeting in Virginia, governors agreed to meet seven educational goals by the year 2000. The financial supports needed to achieve these goals were not provided and President Bush took the blame, being highly criticized for the lack of funding needed to implement these goals. One of the legislation initiatives from this governors’ meeting was a bill that evaluated the performance of Chapter I of the *Elementary and Secondary Education Act of 1965*. Another bill resulting from this summit was a law that created teaching innovations in the areas of math, science, and engineering, and that increased women, minority, and disabled individual’s participation in those areas.
President Bush’s reauthorization of the *Education of the Handicapped Act* was an education landmark for him. This legislation provided transitional programs into mainstream society and gave parents refunds for the expenses caused by alternative programs for their child.\(^\text{477}\)

Bush did not seem to have a clear plan to reform public school that guaranteed equal educational opportunities for all children. During the last two years of Bush’s presidency, he focused on creating national testing to measure achievement, and provided parents with school choices.

One of the governors at the Virginia Education Summit was Bill Clinton. As president, Clinton was interested in education. Clinton promoted higher national education standards, eased qualifications to acquire college loans, and renewed the commitment to community service. In 1994, President Clinton was able to pass *The Goals 2000* legislation that provided money to improve schools across the nation and re-authorized the *Elementary and Secondary Education Act* for five years.

In his second presidential term, Clinton made education a priority, enacting important legislation such as: the *Individuals with Disabilities Education Act Amendments of 1997* (IDEA), reauthorization of the *Higher Education Act of 1965*, and improvement and expansion of charter schools. The reauthorization of the *Elementary and Secondary Education Act* failed to pass, leaving the decision to the next Congress.

In 2001, the new president, George W. Bush, presented to Congress his education reform plan, which was his version of the re-authorization of the *Elementary and Secondary Education Act of 1965*—the *NCLB Act of 2001*. This legislation was based in four main goals:

1. Annual testing in math and reading
2. Flexibility for schools districts to innovate according to their community needs and not as a federal mandate
3. Identification of failing schools, and the provision of assistance for improvements—especially in poverty areas
4. Provide choices for parents of students in failing schools

The intent of this law was to provide every child with an opportunity to succeed, forcing school districts to improve its instruction of this underserved population.

At the hearings, concerns about high-stakes testing were discussed with witnesses agreeing that dependence on one single variable for educational decisions was not advisable. In addition, research assisting in the implementation of effective programs for English language learners was needed. Important changes for bilingual programs occurred with the new legislation—namely, the language that referred to bilingual education was erased. School districts had more flexibility to achieve the goal of English language acquisition thru programs that did not use the students’ native language, but were research based. Annual testing was required for all limited English proficient students and schools needed to meet annual measurable goals. The failure of meeting
these goals had negative consequences for the school districts, as well as the students that the law intended to help.
CHAPTER VI
DISCUSSION

Question 1. The Bilingual Education Act of 1968

a) What were the conditions of the time (economical, political, social,
educational) that influenced the creation and development of the Bilingual
Education Act of 1968?

Multilingualism and diversity have always been part of the United States identity;
so the ability of speaking more than one language is not out of the norm. During Colonial
Times, for those educated in the European tradition, fluency in other languages was
expected. At the beginning of the nation, government efforts were made to cater to
different language groups, for example, German and French. During the second half of
the 1800s, the number of immigrants in the United States multiplied and the attitudes
about immigration changed. Nativism and an urge for Americanization took a firm stand
across the country. The English language was an instrument of assimilation and
acceptance in the mainstream culture.

The twentieth century solidified the use of English in the schools. The United
States armed forces fought against discrimination overseas during World War II. Ideas of
equity and social justice spread. Language minority groups joined African Americans’
struggles for equal access to education. When the economic conditions in the country
improved, liberal ideas that tied education to improvement of social conditions and
national security took roots. During the 1960s, the War on Poverty opened the door to the Civil Rights Movement and challenged the status quo, demanding equal opportunities for all minorities.

Furthermore, the *Elementary and Secondary Education Act of 1965* provided assistance to a student population that had been previously neglected, tried to eliminate past discriminations, and attempted to narrow the achievement gap. In 1968, with the *Bilingual Education Act*, these equal educational opportunities included non-English speaking children. To move the nation forward, the government took a more active role to educate all children.

b) *Who were the leaders that advocated for English language learners and what were their arguments?*

President Lyndon B. Johnson was very familiar with the inequalities in education and poverty that children of Spanish-speaking origin suffered. Language scholars and minority activists joined the Civil Rights Movement and argued that discrimination included national origin, language, culture, religion, and gender. In addition, the validity of theories that link inferior intelligence and bilingualism were questioned. Language and educational experts, A. Bruce Gaarder and Chester Christian, Jr. argued about the importance of recognizing positively a child’s cultural and language background. Joshua Fishman recognized that bilingualism has been part of the elite since ancient time; therefore, it was obvious that knowing more than one language represented an advantage for the dominant group.
In 1965, Theodore Andersson encouraged the implementation of bilingual programs, especially for children in the southwestern region. The *Invisible Minority Report* prepared by the National Education Association (NEA) acknowledged the need to improve the educational opportunities provided for Spanish-speaking children in the southwestern states and agreed that bilingual programs that promoted a positive image of a student’s culture and language would prevent the academic failure of these populations. Eventually, the NEA became activists in favor of Mexican American children’s causes.

Texas Senator Ralph Yarborough advocated for bilingual education in the southwest. In 1967, Yarborough, with the support of Senators Jacob Javits and Robert F. Kennedy of New York; Thomas Kuchel of California; Joseph Montoya of New Mexico; Jennings Randolph of West Virginia; Harrison Williams of New Jersey; and John Tower of Texas, introduced to Congress the *Bilingual American Education Act*. At the hearings, Dr. Bruce Gaarder, chief of the Modern Foreign Language Section of the United States Office of Education, validated the use of a child’s first language as a means of academic instruction, while at the same time, mastering the English language. Gaarder saw this approach as beneficial because it not only narrowed the education gap, but also promoted a positive self-image and provided a collaborative approach with home and school. The hearings brought to the forefront a number of experts in the field; it was clear that the need for bilingual education extended not only to Spanish-speakers, but also to speakers of other languages. The bill, the *Bilingual Education Act of 1968*, became *Title VII* of the *Elementary and Secondary Education Act of 1965*. 
c) What programs were developed to meet the needs of English language learners?

In 1957, the Soviet Union launched the world's first artificial satellite named Sputnik. The United States quickly recognized that changes in education were a matter of national security in order to excel in science and technology; therefore, the education improvements of math, science, and foreign language were emphasized. The country’s attitudes toward learning foreign languages changed. Later in the early 1960s, when Cuban immigrants arrived in Miami, there existed a desire to accommodate their needs and culture. Experimental programs in Miami and in the southwest included the use of the student’s first language. The Bilingual Education Act of 1968 provided federal funds for school districts to allow the implementation of new programs to meet the special educational needs of language minorities. The Federal Government made a commitment to fund bilingual education, purchase materials and equipment, support teacher training, and perform bilingual education research. The bill encouraged creativity and flexibility. The Bilingual Education Act of 1968 had a remedial approach to repair a deficiency on children from low-income families. Furthermore, clear guidelines were not established for this new educational approach.

**Question 2. The Bilingual Education Act of 1974**

a) What were the conditions of the time (economic, political, social, educational) that influenced the creation and development of the Bilingual Education Act of 1974?
Richard Nixon came to the White House when inflation and high unemployment were hot issues. The uncertainties of a costly war in human and financial resources created political turmoil as the economy deteriorated. In 1971, President Nixon took the drastic measure of removing the conversion of the dollar into gold. This action allowed the United States’ economy to start recuperating, but this was not for long as an oil crisis put the country back in difficult times. Nixon had a difficult relationship with the majority-controlled Democratic Congress, and coupled with his handling of the media, did not invite cooperation. Eavesdropping became a regular practice and led to the Watergate scandal, which ended with the president’s resignation.

The African American community’s lack of confidence in the presidency manifested itself with violence, causing a negative reaction among Caucasian liberals as they moved to more conservative positions. In addition, the unsettling conditions allowed other minorities to fight for their cause. Even though the legal framework to eliminate discrimination and school segregation had been established, it was necessary to continue with its implementation. School desegregation plans encountered strong opposition from Caucasian parents—many of whom moved to the suburbs, leaving the cities racially divided and impoverished.

Women, individuals who were gay and lesbian, people with disabilities, and Native Americans were able to make progress in their plight for equal opportunities. Language minority students also made advances for their cause of a better education. Only a few programs were funded since the approval of the *Bilingual Education Act of 1968*. Two important events furthered the cause of language minority education:
• A memorandum issued by the Office of Civil Rights in 1970 that provided guidance for federally funded education programs and their obligations to meet the needs of non-English speaking children.

• The 1974 Supreme Court case *Lau V. Nichols*. The court validated the memorandum from the Office of Civil Rights and required school districts to address the needs of language minority students as part of their civil rights.

b) *Who were the leaders that advocated for English language learners and what were their arguments?*

The *Bilingual Education Act of 1974* was an amendment made to the *Elementary and Secondary Act of 1974* after a consolidation of two bills—one introduced by Senator Edward Kennedy of Massachusetts, the other introduced by Senator Alan Cranston of California. The legislators recognized the positive contribution of language minority children to society and determined it was necessary to continue providing federally funded bilingual programs to meet their needs.

Senator Kennedy wanted an expansion of bilingual programs with larger allocations. His proposal included research, dissemination of research findings, and the creation of National Advisory Council on Bilingual Education that would assist in the evaluation of bilingual programs. Senator Cranston was interested in extending bilingual programs to other language minorities, thereby creating dual language programs.

At the hearings, Louis Nunez, Deputy Staff Director of the U. S. Commission on Civil Rights denounced the lack of funds that bilingual programs received. In addition to
bigger allocations, Nunez recommended that further research be conducted, there be an
evaluation process, curriculum development, and a community involvement component.

Testimony from Dr. L. Ling-Chi Wang from the University of California, Berkeley, confirmed that the lack of appropriate services for Chinese American students in California was a contributing factor in high drop outs rates and juvenile delinquency. Wang saw the urgency in providing appropriate bilingual programs for this particular population. Dr. Albar Peña, from the University of Texas in San Antonio, considered the lack of communication among educational agencies that serve language minorities a deterrent for the improvement of services. Peña believed that after four years of implementation, enough data from the bilingual programs across the nation had been collected and should be ready for evaluation. He also indicated that the lack of community involvement was a deficiency in the program’s performance.

House Representative William Cohen of Maine shared with legislators that the lack of resources was an impediment for the development of a bilingual program that would serve the French population of his state. Cohen commented that the need to feel proud of your cultural heritage and language could determine how well a child performed in school. Cohen remembered how he was educated using Latin and Hebrew, and how he considered himself an American.

Many legislative hearing attendees agreed that bilingual program allocations needed to increase in order to serve language minority students properly. Moreover, communication and coordination among all educational agencies that served non-English speakers was necessary. Rosa Gaus De Inclan, Chairlady for the National Advisory
Committee on the Education of Bilingual Children, stressed the necessity to train teachers, administrators, and paraprofessionals working in this field. Dr. Wilson Riles, California Superintendent of Public Instruction, reiterated that the lack of funding did not allow his state to provide appropriate services for this minority population. Riles considered bilingual education a moral obligation that required the support of the Federal Government.

Dr. Josue Gonzalez, from the Institute of Governmental Services of the University of Massachusetts, criticized the remedial approach applied to bilingual programs. He believed there was a negative connotation that placed the blame on a child’s cultural background if the child did not speak English. Furthermore, Gonzalez felt this approach did not produce the best results and had only yielded small gains. Gonzalez considered it essential that children feel proud of themselves and their culture, which from his perspective, the program did not consider important.

c) What programs were developed to meet the needs of English language learners?

The Bilingual Education Act of 1974 recognized the large, non-English speaking student population that needed services using multiple languages and cultural resources—including Native American children. Equally important, Congress admitted that adequate funding with annual increments was necessary to provide for professional training, operations, and parental involvement. The federal law softened the low-income requirement to qualify for services, provided guidance for the necessary components of
bilingual programs, promoted research and dissemination of information, and encouraged fellowships.

According to the *Bilingual Education Act of 1974*, programs for bilingual education was voluntary and needed to be age appropriate. Furthermore, the curriculum components required instruction using the students’ native language and teaching about their cultural heritage. Also, the act stipulated that the program should be designed to be a foreign language program for English speaking children; and any elective courses should take place in a mainstream setting.

To inform about the use of federal funds, annual reports to Congress and the president were required in order to report data regarding progress and setbacks serving the increased population of limited English speaking students.

**Question 3. The No Child Left Behind Act of 2001**

a) *What were the conditions of the time (economical, political, social, educational) that influenced the creation and development of the No Child Left Behind Act of 2001?*

The economic instability of the late 1970s brought restraints to the federal budget. Nonetheless, President Carter managed to create the Department of Education. In the early 1980s, inflation was prevalent, and a desire for a smaller government resulted in the election of President Ronald Reagan. The country was able, once again, to enjoy economic growth and at the same time, adhere to political conservatism. In Congress, tensions between Republicans and Democrats continued as liberal Democrats fought for maintaining budget allowances to support social programs that helped the poor. In
education, the *A Nation at Risk* report brought to the forefront the deficiencies in the public education system; this resulted in a reform movement to strengthen educational opportunities that included high standards and measurable goals. President Reagan’s opposition to bilingual programs opened the door to alternative methods of teaching non-English speaking children and supporting the English-only movement that started in California and spread across the nation. In 1989, George H. W. Bush recognized education’s role in maintaining a healthy national economy while still considering education a primary responsibility of state and local governments. During Bush’s tenure, Congress approved legislation to evaluate *Title I* programs of the *Elementary and Secondary Education Act*.

President Bill Clinton saw education as the great social equalizer that could provide opportunities to poor children. Clinton’s involvement in education dated back to his governing years while in Arkansas. He understood the need for accountability, school improvement, and was a supporter of charter schools as a means of achieving education reform. President Clinton believed in the importance of affirmative action, as well as the government’s responsibility in supporting social programs. Throughout his administration, the strong economic expansion that the country experienced helped support social programs opposed by the Republicans. Clinton used his vetoing power and an executive order to accomplish his goals—goals that had been previously blocked by legislators.

In 2001, shortly after arriving to the White House, President George W. Bush presented to Congress his education reform plan. Bush’s program aimed at improving the
performance of low-income children attending low-performing schools. Even though President Bush was a strong advocate for school choice, the main goal of his education overhaul was via annual testing and accountability to close the achievement gap. Democrats and Republicans agreed that the inadequate education system was a concern for the U. S.’ national economy.

b) *Who were the leaders that advocated for English language learners and what were their arguments?*

The reauthorization of the *Elementary and Secondary Education Act in 2001* became the *NCLB Act of 2001*. At the hearings, a major concern of this act was the high stakes placed on one standardized test. Dr. Roderick R. Paige, Secretary of the U.S. Department of Education, agreed with the Office of Civil Rights’ criticisms regarding the importance placed on *one* assessment. Paige defended President Bush’s proposal on the basis that the information collected would not allow teachers and school administrators to ignore the needs of minority students. In reference to limited English proficient students, the new law provided a three-year limit to acquire English—regardless of the literacy level of the student in his or her native language. Secretary Paige considered that the data collected from the test would provide a baseline for further comparisons.

House Representative, Hilda Solis, shared her worries about the penalty that schools serving language minority students would receive and its harmful consequences to schools in poor neighborhoods that served English language learners—whom would probably not perform as well as expected.
c) *What programs were developed to meet the needs of English language learners?*

In the *Elementary and Secondary Education Act*, *Title VII* was dedicated to bilingual programs. *Title III* of the *NCLB Act of 2001* (formerly *Title VII*), provided services that were directed to meet the needs of English language learners and language instruction for limited English proficient and immigrant Students. The goal of *Title III* was for children with limited English proficiency to acquire English, achieve high academic levels, and reduce the language-minority drop-out rates.

Furthermore, federal allowances changed from “competitive” grants to a “formula” grant giving states the flexibility in the program types each state implements. Bilingual education programs were not encouraged in the law, but they were not prohibited either. Each state needed to establish Annual Measurable achievement Objectives, demonstrate AYP thru annual testing, and implement programs that were scientifically based (which were believed to be the best practice for teaching English language learners). At the local level, schools needed to promote parental and community participation in programs for limited English proficient children.

**Study Analysis**

In the 1960s, the United States could not continue the double standards of defending freedom and discrimination against minorities overseas, while at the same time, considering minorities at home as second-class citizens. The political conditions for change were ripe. Along with the economy improvements, more liberals joined the Civil Rights Movement in pursuit of a more fair society. Efforts to eliminate past
discriminations regarding race, gender, religion, and national origin opened-up opportunities for language minorities to fight for equal educational opportunities. In the 1970s, the government and the courts became activists against discrimination—creating affirmative action for previous underrepresented minorities in federal programs. Democrats and Republicans compromised with an agenda that provided more educational opportunities for everyone. Education was seen as the great equalizer that could provide upward mobility for disadvantaged children.

The *Bilingual Education Act of 1968* recognized the special needs of language minority students. Advocates were able to articulate how low self-image and negative connotations about ones’ culture can lead to decreased school performance. Using the child’s native language for academic instruction while the English language proficiency process was mastered was acceptable. This type of program provided an opportunity to teach about the students’ heritage and cultural background. The research available at this time supported this approach and did not provide negative data regarding the use of the native language. The *Bilingual Education Act of 1974* relaxed the low socioeconomic status criteria to provide services and made program improvements, but the funds available for implementation were not enough to serve all English language learners. Data was becoming available that recognized that bilingual programs were better instructional approaches for language minorities.

During Reagan’s presidency, the movement against bilingual education took force. Republicans saw instruction in a language *other than* English as divisive and detrimental to the country. At that time, the country was still enjoying economic
prosperity with the political conditions moving “to the right,” so, for many conservatives, the idea of teaching a language other than English proved to be the wrong approach. The *A Nation at Risk* report alarmed the business community, political leaders, and the population in general as it depicted that American students were not competitive with other students and falling behind other developed nations. As education reform efforts began, it was becoming increasingly evident that minorities from low socioeconomic backgrounds were not performing well on standardized tests. The goal of the *NCLB Act of 2001* was to close these achievement gaps. While it was positive for language minorities to get attention, the approach to reduce the achievement gap focused on annual standardized testing and not on learning, thereby ignoring the special characteristics of non-English speaking children. For instance, the high stakes of one test did not evaluate if the schools had an effective program that utilized best practices for teaching English language learners. In addition, if an English language learner performed as well as his or her English-speaking peer, he or she were no longer labeled as limited English proficient. The *NCLB Act of 2001* had ambitious laudable goals, but in implementation, it punished the very individuals it was designed to help.

**Implications for Educational Leadership**

There is a direct connection between the United States economy and education. In order for the nation to thrive, good schools and universities needed to prepare its citizens as a *resource*, which would eventually benefit the country and lead to a better quality of life for everyone. Also, educational leaders need to be cognizant of the persistent disadvantages that the majority of English language learners start school. This particular
population is increasing in the U.S. school system and these individuals continue to live in poverty, underachieve, and have high drop-out rates. Effective educational leaders must be aware of the socioeconomic and political context influencing legislation and education reform. In other words, education does not happen in isolation—it is an important component of a child’s life.

Race and social class should not predict educational attainment in a system that thrives for social justice. Narrowing the achievement gap without addressing racial inequalities will likely continue producing minimal gains.

Educational leaders need to be mindful when developing programs for language minority students that English language learners may come in to the school system at different academic levels. An initial evaluation of the students’ academic abilities and English language skills provides guidelines to determine the academic plan that best meet their needs.

To be able to offer a variety of academic options for language minority students, school leaders should be hiring carefully. Teachers that are prepared in their academic subjects as well as English as a second language, bilingual education, or multicultural issues become an asset for school districts with a diverse student population.

It is important to develop programs with cultural sensitivity that would assist language minority parents navigate the American public system and yield the best results for the students. English language learners need advocates, inside and outside the classroom. In the context of social justice, educational leaders should not only be an
advocate for English language learners, but it is also their role to remove obstacles that interfere with students’ academic achievements.

The mastering of the English language has never been a question for language minorities’ education; the issue is how to go about it. Will we continue polarizing inequalities in education? Educational leaders can implement institutional changes in their organizations that improve the educational outcome for English language learners and allow them to contribute to their community. But, educational leaders must establish effective partnerships with the local community and parents to address common responsibilities, as well as educate all children and not leave behind language minorities.

Educational leaders are agents for social change and can be part of the political agenda that allows for a positive impact that improves the school system during the pursuit of social justice. Without change in education, the growing marginalized population of English language learners will continue to be deprived of their rights to appropriate educational opportunities. A holistic approach to education and well being could help educational leaders serving language minorities reverse systemic inequalities, assist with implementation of programs that yield long term positive results, and fulfill a moral imperative.

**Recommendations for Further Research**

This study was limited to three legislative decisions that provided services for language minorities from the initial *Bilingual Education Act of 1968* to the *NCLB Act of 2001*, and how the economic, political, social, and educational conditions that existed influenced legislation, leader’s arguments, and the programs implemented.
Further research could study:

1. Educational leaders and the influence of race for English language learners programs.

2. The role of poverty amongst the English language learners’ population and the principal role as advocate for social justice.

3. School leaders and the *NCLB Act of 2001*’s reauthorization consequences for language minority students.

4. Educational leaders as agents for social justice, advocating for language minority students, and influencing the legislative agenda.
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VITA

The candidate, Jenny Maria Neal, was born and raised in Santo Domingo, Dominican Republic. She is married to Gary M. Neal and has three children: Paola, Cesar, and David. Jenny and Gary currently reside in the northern suburb of Northbrook, Illinois.

Jenny received her bachelor’s degree in Political Science with a major in Socioeconomics from Universidad Autónoma de Santo Domingo in 1989. Afterward, she worked in the business world for a number of years and started teaching English as a second language in the New York City public schools to a very diverse population in central Manhattan and Harlem. In 1991, she completed a Master of Arts in International Relations from The City University of New York before relocating to the Chicagoland area where she completed her endorsements in Bilingual Education and English as a Second Language and earned an Illinois Type 75 Administrative Certificate in Educational Administration. Furthermore, Jenny taught elementary and junior high school bilingual education before teaching English as a second language for the American Embassy School of New Delhi in India from 1996-1998.

In August 2001, after living overseas for almost five years, Jenny received a Master of Arts in the Teaching of Languages from the University of Southern Mississippi before being accepted into Loyola University Chicago’s Educational Leadership and Policy Studies doctoral program in August 2006.
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