

# ESTABLISHING A DEPARTMENT OF EDUCATION

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## HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS HOUSE OF REPRESENTATIVES NINETY-FIFTH CONGRESS

SECOND SESSION

ON

**H.R. 13343**

TO ESTABLISH A DEPARTMENT OF EDUCATION,  
AND FOR OTHER PURPOSES

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JULY 17, 20, 31; AUGUST 1 AND 2, 1978

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# ESTABLISHING A DEPARTMENT OF EDUCATION

TUESDAY, AUGUST 1, 1978

HOUSE OF REPRESENTATIVES,  
LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE  
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 9:31 a.m., in room 2154, Rayburn House Office Building, Hon. Jack Brooks (chairman of the subcommittee) presiding.

Present: Representatives Jack Brooks, Benjamin S. Rosenthal, Frank Horton, and John N. Erlenborn.

Also present: Representatives Elliott H. Levitas, and Michael T. Blouin.

Staff present: Elmer W. Henderson, staff director; William M. Jones, general counsel; John E. Moore, staff administrator; Lawrence Russell, professional staff member; Joy S. Chambers, professional staff member; Roland Jones, clerical supervisor; Theresa Johnson, clerk; E. Jean Grace, clerk; Richard L. Thompson, minority staff director; and J. P. Carlson, minority counsel, Committee on Government Operations.

Mr. BROOKS. The subcommittee will come to order. This morning, we continue our hearings on H.R. 13343, the Department of Education bill. Yesterday, we heard Congressman Carl Perkins, the distinguished chairman of the Committee on Education and Labor, and Representative Leon Panetta, of California. We also heard a number of representatives of national and local organizations who presented their views on this legislation.

This morning, we will hear from several prominent Members of Congress, the Director of the Office of Management and Budget, and officials from the departments and agencies affected by the creation of the Department of Education.

The first witness we have for this morning is the Honorable Shirley Chisholm, Representative from the State of New York since 1968. She attended public schools in Brooklyn, received an undergraduate degree from Brooklyn College and a master's degree from Columbia University. Before coming to Washington, she was actively involved in education. She has been a nursery school teacher and administrator, an educational consultant to the City of New York, and the director of a child care center.

Representative Chisholm is a recipient of many honors and awards, including the Doctor of Laws degree from the University of Maine, Pratt Institute in Brooklyn, Reed College in Portland, Oreg., Kenyon College in Ohio, and from many other colleges and universities. She remains involved in many community education and civic organizations.

She is the author of the book "Unbought and Unbossed," published in 1970, and "The Good Fight," in 1973.

Mrs. Chisholm serves with distinction on the House Rules Committee, where many important decisions are made affecting vital legislation.

Mrs. Chisholm, we are delighted to welcome you to the committee and to accept your testimony and your comments.

**STATEMENT OF HON. SHIRLEY CHISHOLM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK**

Mrs. CHISHOLM. Thank you very much, Mr. Chairman, and members of the committee for this opportunity to appear before the subcommittee and express my views concerning H.R. 13343.

Throughout my nearly 10-year tenure in Congress, I have been actively involved in a great variety of education matters and have served as a member of the Committee on Education and Labor. Usually, I am delighted to come before the various congressional committees to share my views on education legislation and policy. Today, however, unlike most of my previous appearances, I am deeply disturbed by the bill now under consideration by this committee which would seek to create a separate Department of Education.

Perhaps out of concern for protecting their own opportunities for career advancement under such a new Department, few who possess the knowledge and experience in assessing the role of educational agencies or the administration of educational policy have decided to speak out forthrightly regarding the wisdom of the proposal on substantive grounds. Nevertheless, I intend to forcefully and vociferously voice my opposition to the establishment of a cabinet level Department of Education.

I believe there are many compelling arguments that support opposition to such a proposal; however, I must emphasize here today that chief among my concerns is the proposed Department's obvious inability to insure equal educational opportunity for all Americans through effective and efficient enforcement of the civil rights laws passed by Congress.

I am also seriously troubled by provisions in H.R. 13343 mandating transfer to a newly created Department of Education of child nutrition programs and all services related to the education of Indians, Alaskan natives and Aleuts currently administered by the Department of Interior.

Before briefly discussing my position with regard to these serious deficiencies in the bill, I would like to call the committee's attention to the peculiar history of this proposal and the administration's commitment to establish an executive-level Department of Education. Some would have us believe that this proposal was developed to enable the Federal Government to improve coordination of its education activities as is stated in section 102 of H.R. 13343.

Others have suggested that the untested Department would provide a base for national leadership which would increase the visibility and attention given to educational needs. Still others have referred to the promotion of an effective partnership among the



various levels of Government, institutions and individuals involved in the delivery of educational services as a motivating factor for establishment of the Department.

Of course, I am aware that several of my distinguished colleagues in both the House and Senate have for many years advocated creation of a Federal Education Department. However, the too little understood political genesis of this administration's commitment to creation of a new Department of Education bears careful and objective scrutiny.

In July 1976, President Carter, then a candidate for the executive office, addressed teachers attending the National Education Association convention. Mr. Carter noted in his remarks that while he was generally opposed to "proliferation of Federal agencies," he would, if elected, create a separate Department of Education to provide "a stronger voice," at the Federal level.

And, as we all know, Mr. Chairman, it was interesting to note that NEA responded in kind to Mr. Carter by presenting him with the organization's first and only endorsement of a Presidential candidate. While others may choose to debate this issue in terms of the lofty and admirable ideals supposedly associated with creation of the education department, I find it extremely difficult to disassociate formation of this department from its onerous political origins.

As long as I am distinguishing between the illusions or symbolism associated with this Department and political reality, I should emphasize that some of us have been led to believe that the administration's recommendations about which agencies to raid for purposes of inclusion of Federal education programs in this Department have been made according to some well-thought-out, coherent, management and enforcement criteria. The naked truth of the matter is that in many instances these recommendations for transfer of certain programs were made based upon the perceived political muscle of various special interest groups and their congressional supporters. For example, groups with strong political power such as the Head Start lobby, appropriately maneuvered themselves out of the grasp of the supporters of the separate department, while other programs like the Department of Interior's BIA schools are scheduled to be swooped up into this new structure. Of course, Mr. Chairman, you and I agree that the proposed Department should not administer the Head Start programs.

I have noted that backers of the bill establishing a Department of Education have pointed to management difficulties at the Federal level and fragmentation of complex, federally-financed education programs. But the legislation pending before this committee offers no real solution to these problems. For example, with 164 programs, a proposed fiscal 1979 budget of \$17.5 billion and a staff of 23,325 persons, the new education department would have more money than seven other Federal departments and more staff than the State Department, the Department of Energy and the Department of Housing and Urban Development. Yet a range of youth service and training programs would still remain scattered throughout the Federal Government. Moreover, this massive bureaucratic megastructure will provide a persuasive voice for increased congressional appropriations for the new Department—a

result that appears to undercut the proponent's arguments about more effective management of Federal resources.

There is yet another important reason for minorities to be especially fearful of this desire to create a Federal Department of Education. As has been eloquently stated by my friends from the AFL-CIO who testified before this committee on June 31, 1978 in opposition to this measure, the American labor movement has long demonstrated a commitment to the quality of public education. This vigorous support for equal educational opportunity and social justice was a driving moral and political force behind passage of much of the civil rights legislation designed to prohibit discrimination by recipients of Federal financial assistance.

Clearly, labor groups have carefully constructed coalitions around major national issues such as poverty, equal access to educational opportunities, as well as welfare and health assistance. Now, to thoughtlessly destroy these coalitions and distract attention from more critical education programs such as rising school violence and vandalism, and the problems caused by shortages of financial resources in the neediest school systems in order to achieve the dubious goal of formation of a separate department appears a little foolhardy.

As Members of Congress, we must also take note of the impact the reorganization of HEW and Federal education programs would probably have on the existing committee structure in the House of Representatives. Although my distinguished colleague, Chairman Perkins from the Education and Labor Committee, has denied the likelihood of a committee division, others may decide to spearhead a drive to divide this committee. Labor groups, mindful of this concern, opposed an effort to split the House Education and Labor Committee in 1974. This observation has also greatly influenced my opposition to H.R. 13343, the core of my opposition now, Office of Civil Rights.

According to section 102 of H.R. 13343, a major purpose of the executive department will be to continue to strengthen the Federal commitment to insuring equal educational opportunities. The guarantee of enforcement of Federal constitutional protections and of equality of opportunity for traditionally-excluded black and brown children must receive the highest priority in resources and attention.

There is strong evidence to suggest that State and local agencies may become more unwilling and more unable to devote their own energies and resources to this task—you are witnessing now the Proposition 13 mania apparently sweeping the country. Now more than ever, the Nation's governmental apparatus must be fully applied against the widespread practices of racism and sexism still so pervasive in this country's educational systems.

H.R. 13343 does provide for the transfer of HEW's education-related civil rights responsibilities to the new Department. However, efforts over the past years to secure compliance with Federal nondiscrimination laws prohibiting bias based on race, sex or handicapped have taught all of us several important lessons.

Our failure to effectively enforce these Federal statutes has illustrated the absolute necessity of building into the organizational structure independence—complete, total independence—for the

Office of Civil Rights—the law enforcement agency of the proposed executive education department. But legislative provisions designed to provide the element of independence essential to the forceful and objective enforcement of civil rights laws are conspicuously absent from H.R. 13343.

This deliberate oversight by the administration and the congressional committees which have reviewed the legislation creating the Department has not escaped my attention and the attention of the voting constituency I represent. I will remain steadfast in my opposition to this bill so long as the bill contains inadequate mechanisms to guarantee compliance with the Federal law.

Now, what am I talking about? The administration and the congressional committees are well aware of the minimum protections which must be incorporated into H.R. 13343 to insure meaningful enforcement of civil rights laws by Department officials. For instance, important civil rights coalitions, including the American Coalition of Citizens with Disabilities, the Chicano Education Project, and the Education Coalition, which includes the Children Defense Fund and the NAACP Legal Defense and Educational Fund, have presented several recommendations for reasonable mechanisms that will enhance enforcement of the Nation's civil rights laws.

However, the administration's major concession on these organizational arrangements involved an acknowledgment that the Director of OCR—the Office of Civil Rights—must be assigned a high-level position within the new Department. Mr. Chairman, and my fellow colleagues, those of us that are concerned about protecting the civil rights of our children are not so politically naive that we believe that just this status alone—without more substantive assurances included in the legislation—will achieve our goal of full compliance with the law.

There are several gaping deficiencies related to civil rights enforcement which are appropriate for resolution within the context of the bill before the committee and should have been addressed. Let me briefly summarize these defects.

Common sense and certainly the agency's recent history dictate that the Office for Civil Rights must be adequately staffed to carry out its responsibilities. Accordingly, all legal staff at both the national and regional levels must be placed under the direct control of the Office of Civil Rights Director, especially since these staff salaries are paid out of the agency's budget.

The OCR Director must be capable of marshaling the necessary resources to monitor and enforce the Federal law. Staff shortages are certain to cripple the agency's ability to carry out its legal mandate. For this reason, H.R. 13343 should have addressed this issue.

Another obvious defect I have identified in many civil rights compliance procedures involves the inconsistent and often conflicting administrative discretion possessed by agency officials responsible for enforcement of statutory and regulatory requirements.

Section 208(b) of your bill, Mr. Chairman, directs the secretary of the new Department to delegate enforcement of civil rights laws to the OCR Director. Under procedures currently in effect, fund deferral, ultimate termination of grant awards and other enforcement

sanctions are, however, subject to the secretary's reviewing authority.

To insure the total objectivity of the secretary as the "final trier of fact" in such matters, I expected that H.R. 13343 would also prohibit the secretary from participation in the administrative proceedings leading up to the final review phase. Surprisingly, the bill as drafted does not contain this most fundamental provision to guarantee the secretary's impartiality. I urge the committee to consider this mechanism to assure even-handed treatment of all school districts participating in this administrative process.

Adequate data is a central ingredient in any successful civil rights enforcement effort. But nothing in the proposed legislation before the committee may be interpreted to guarantee the timely acquisition of information necessary to insure the complete and uniform enforcement of Federal antidiscrimination laws.

By asserting coordination or reduction in paperwork as the legitimate objective, Department officials could severely curtail OCR's data collection capacity. Therefore, OCR's authority to appeal such denials by the secretary or other agencies directly to the Office of Management and Budget must be clearly restated in H.R. 13343.

Finally, I believe that an independent Director of OCR must be given clear statutory authority to bring before Congress circumstances involving budget reductions which threaten to hamper the agency's ability to adequately and effectively carry out compliance activities.

Now, the transfer of Indian education programs. Until 1975, Indians from remote tribal lands knew very little about the Federal funding of education programs. As a result of Public Law 93-638, the Indian Self-Determination and Education Assistance Act, Indians were able to develop control over their own education programs. This landmark piece of legislation, enacted in January of 1975, established a program of assistance to upgrade Indian education and gave Indians the right to control their own educational activities.

Indian opposition to the transfer of their education programs from the Department of Interior to the new Department of Education points to the potential problems which can impact upon the ability of the Federal Government to meet the unique needs of Indian children.

The full ramifications of a transfer, I feel, have not been carefully examined. During the Ninth Annual Convention of the National Indian Education Association in November of last year, a White House official stated that Indian programs would not be included in the reorganization. Obviously, the administration's position has changed on this issue.

My distinguished colleague from Minnesota, Representative Al Quie, expressed serious reservations about this transfer unless certain provisions were included in the legislation. In his July 20 testimony before this subcommittee, Representative Quie warned against decisions made without consulting "the opinions of all Indian groups." Yet, the concerns of Indian tribal governments have virtually been ignored.

Indians have been engaged in a tremendously prolonged struggle to achieve the same level of education as non-Indians. I am person-

ally convinced that the transfer of Indian education programs would fundamentally lower the quality of education services to Indian children. This conclusion is based on the fact that BIA services are provided within the context of tribal governments.

The proposed change would impede or reverse the trend toward Indian control of education. Further, the growth of Indian control will conflict with existing procedures and goals of State departments of education. State control of these programs has not proven to be an effective approach in educating Indian children and youth of this Nation. Today, there are approximately five such schools with others awaiting contracts when funds are available.

Let me also point out that the average daily attendance of BIA day schools, despite the isolated rural locations, is 82 percent, compared with 80 percent in my own city of New York. With the interest and support of Congress, the Indian education programs in the BIA have been greatly strengthened in recent years.

Additionally, no studies detailing the impact of a transfer to the new Department on the issue of trust responsibility have been completed by the administration. The BIA is the principal Federal agency in charge of trust responsibility. HEW has little or no familiarity with this special relationship between the Federal Government and Indian people. How can Indians be guaranteed that this new Department can even develop the necessary understanding to maintain this special Federal relationship and enforce section 303(b) of your bill?

Now, let me call your attention to a number of other problems that are equally important to the welfare of Indian nations. The proposed transfer would create conflicts within the proposed Department of Education with respect to civil rights laws. Civil rights enforcement policy has not taken into account that desegregation applied to the Indian situation perpetuates discrimination against Indians. In the Indian context, desegregation often means a loss of Indian identity and a violation of human rights and cultural self-determination.

We should remember that it took 2 years to write and enact Public Law 93-638 to fit the unique status of Indians. How can a new Department of Education adequately address the education needs of Indians in such a short period of time?

Even though the administration has made a commitment to maintain the Indian preference in hiring under the new Department, the BIA and HEW have utilized very different definitions for Indians. Consequently, it is unclear which definition will be used by officials in the new Department of Education to determine the eligibility standards for preferential hiring as mandated by section 401(e) in H.R. 13343.

To the degree that section 508(h) of H.R. 13343 abrogates contracting authority contained in the Indian Self-Determination Act, I must vehemently oppose this new Department. Many tribes would probably fail to qualify as contractees because of the stringent criteria embodied in this section.

The future viability of the Bureau of Indian Affairs is now an issue by virtue of this proposed transfer. Since only the education portion of the Bureau of Indian Affairs' responsibilities will be transferred to the new Department, what, then, will happen to

other programs affecting Indians? How will the supportive services for education and other Bureau of Indian Affairs programs be coordinated between the new Department and the BIA? Furthermore, is coordination even possible?

The transfer of BIA education programs would carry with it over 30 percent of Bureau of Indian Affairs current employees. This will fragment Federal administration of services to Indians between two departments; it is possible that this transfer could represent the first step in the dismantling of the Bureau of Indian Affairs.

Finally, I know my distinguished colleague, Representative Michael Blouin from Iowa, has thoroughly reviewed Indian education programs as chair of the advisory study group on Indian education. Mr. Blouin's expertise, his knowledge and his sensitivity on these questions would offer tremendous insight to the subcommittee as it deliberates on this matter. I would also urge the subcommittee to take note of the congressional findings which are cited in the Indian Self-Determination and Education Assistance Act of 1975, which states: "True self-determination in any society of people is dependent upon an educational process which will insure the development of qualified people to fulfill meaningful leadership roles." Further, "the Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations and persons." I strongly urge my colleagues to consider these comments in their consideration of the transfer of Indian education programs to the new Department of Education.

Now, the transfer of child nutrition programs. I am also concerned about another transfer which H.R. 13343 proposes. The plan to move the national school lunch and other nutrition programs from the Department of Agriculture to the new Department of Education has been opposed by Representative Quie in his testimony, as well as all 18 members of the Senate Committee on Agriculture Nutrition and Forestry and many anti-hunger groups.

Opponents of this proposed transfer have stressed that nutrition, food, agriculture, and commodity distribution are all interrelated. Given the fact that Department of Education officials are likely to possess little background in price and market stabilization and other aspects of food policy, administration of school feeding programs should not be uprooted from the Department of Agriculture. There is an interrelationship. Since it is of paramount importance to the U.S. to develop and maintain a coordinated food and agriculture policy, these related program areas must remain united in the Department of Agriculture.

In the event that your separate Department of Education is indeed established, and it probably will be, I have summarized several key comments which I believe the committee should seriously consider.

Section 203 of H.R. 13343 provides for creation of an Office of Inspector General. As I understand the functions to be performed by this office, the responsibilities include internal and external audits and prevention of fraud and abuse.

Having recently introduced a bill which included uniform standards for audits of programs funded under title I of the Elementary

and Secondary Education Act, I recognize the important fiscal compliance operations this office performs.

Mr. Chairman, I believe that you share my interest in carefully defining the scope of the powers and authority vested in this agency, and I recommend that your committee include such language in H.R. 13343.

I also want to commend you, Mr. Chairman, for specifically designating parents and students in the enumerated categories of membership for the Intergovernmental Advisory Council on Education described in section 212 of the bill. My experience with the National Advisory Council for the Education of Disadvantaged Children has proven that unless the law requires their participation, parents—especially low-income parents—are often overlooked as eligible members for these groups.

Thus far, many unknown and unanswered questions associated with transfer of education programs to a new Education Department far outweigh the definitive statements we have received on aspects of this proposed reorganization. The proponents of this bill have yet to articulate a rationale which explains precisely how this new Department will expand access to quality instruction for children such as those attending public schools in my district in Brooklyn.

Frankly, Mr. Chairman, I am appalled by the rush by some Members of Congress to create this Department despite the lack of information available about the actual impact of these structural changes. In my opinion—and this is just my own opinion—H.R. 13343 represents a \$17 billion shot in the dark.

Additionally, if anyone had calculated a strategy to divert energy and attention away from difficult educational issues confronting this Nation, they would have taken the approach of introducing a bill to create a separate Department of Education.

Let me finish by saying that my yardstick for measuring the advisability and necessity for creation of a separate Department of Education is simple. I ask myself one question: Will such a department significantly improve instruction and educational opportunities for this country's children? I can conclusively state that I know of no convincing evidence which leads me to believe that a cabinet-level Department of Education or other structural changes will guarantee achievement of this most critical national objective.

Thank you for this opportunity.

Mr. BROOKS. Thank you very much, Mrs. Chisholm.

Mr. HORTON?

Mr. HORTON. Shirley, thank you very much for that statement. It is an excellent statement, and it certainly spells out the opposition to the program. I have some questions about the establishment of the Department, and it is very helpful to have the information that you have furnished here, and I think it is well put together.

Under what conditions could you support the creation of such a Department?

Mrs. CHISHOLM. A couple of the real possibilities would be this: that we must make sure that we write into the law very, very important mechanisms in order to comply with the regulations that will have to be carried out by the Office of Civil Rights.

Second, I feel that the Office of Civil Rights Director must be totally and wholly independent, and that if indeed he is going to be able to carry out the civil rights objectives and regulations, he must not have to relate to the secretary of this new Department until all the administrative procedures inherent in his Department to carry out his delegated responsibilities are completed. There must be impartiality.

The reason I feel so strongly about this is because of the history of the Office of Civil Rights in HEW, what has happened in so many instances, of course, which I don't have the time to go into explicit detail on this morning.

Mr. HORTON. There is one point I should make here, Shirley, which is that we in this legislation would not be making substantive changes in the law. Some of the things that you have suggested would be involved in the setting up of the structure a new Department and within our jurisdiction. But we would not be involved in any change of the substantive law as it relates to the civil rights, and that would have to come under the jurisdiction of another committee.

But some of the things that you are asking here would be appropriate insofar as this committee is concerned.

One other question: With regard to the child nutrition program, we have had some testimony that would indicate that others have shared your view. There are some others who have indicated that they feel it could be transferred so long as the personnel who are involved in the present program continue to be involved, and I know you have great interest in the nutrition program.

Do you feel that it is a serious defect in the creation of the Department to include the nutrition program?

Mrs. CHISHOLM. I really do. I do because I feel sincerely that it is not merely the question of transferring the nutrition to the separate Department of Education. I think we have to go beyond that and look at the interrelationships with respect to the responsibilities of a Department of Agriculture. There are so many interrelated parts, such as I mentioned in my testimony, particularly nowadays the question of pricing flexibilities in the markets, the kind of regulations, et cetera, that in a separate Department of Education the people will not necessarily have the kind of expertise and knowledge that historically the Department of Agriculture has had with respect to these particular points, and because the Department of Agriculture is involved with food, and it is involved with marketing, it is involved with meals, it seems to me that the coordination should remain within the Department of Agriculture. I have serious reservations about it.

Mr. HORTON. Just one other comment. I have known you since you have been in the Congress, and I know you have been a champion of education. You have been one of the leading proponents of providing outstanding education to all people in this country, and I certainly respect your views, and I know the subcommittee will give very serious consideration to the very fine statement you have given here today.

Thank you very much.

Mr. Brooks. Mr. Rosenthal?



Mr. ROSENTHAL. Thank you, Mr. Chairman. I, too, want to congratulate Mrs. Chisholm, a long and beloved colleague of mine, for an incredibly thoughtful and incisive statement. It was very direct.

I want to talk with you, just for the sake of discussion, assuming we could deal with the specific problems you had with child nutrition, OCR, and Indian affairs, and assuming, for the sake of discussion, those problems were eliminated, what of the question of whether it is useful or not to have a Department of Education?

I, myself, am not sure. I don't know the answer. I do know, though, that an organization makes policy, and, that if you have an organization at a higher level, there is a tendency to make funding more realistic to needs; there is a tendency to get higher level executive department attention; there is a tendency to be able to have more horsepower in dealing with the Congress.

I, myself, doubt that it will make any difference in the teaching levels in Queens or Brooklyn, but it might give more impetus to the concerns and considerations that Americans have about education. In other words, it might be easier to bring the subject of education and its problems to the attention of the American people by having a separate Department.

I am curious what your thoughts are in that area.

Mrs. CHISHOLM. I would be very, very glad to respond, because actually it seems to make sense that you will take educational components from different departments established throughout our executive branch of the Government, and, for the most part, to put them under one heading. That seems to make sense, coordination, and you have a like subject matter under the control of one major department. Pragmatically, politically, it seems to make some sense.

But in reality, these are some of the things that bothered me. The creation of this separate Department of Education doesn't necessarily mean that what is happening out there in the boon-docks, in the villages, and cities with respect to educational opportunities for children and the priorities given to certain kinds of youngsters in this country is going to happen, because we know that the pressure groups, the lobby groups, the powerful forces in this country that have the resources, that have the organization, will somehow, to a certain extent, be having a certain control over a certain Department of Education inevitably. Now, right now, inevitably.

It seems to me that many of your professional associations would love to see the creation of this separate Department, but those groups in this country who do not have the powerful lobby groups, who do not have the financial resources, such as the Indians, the disadvantaged youngsters, the Hispanic youngsters—of course, Head Start has been removed—these are the groups that are apt to get lost in a separate Department of Education, where the focus is going to be brought to bear on the part of very powerful groups in this country.

Mr. ROSENTHAL. My question is, would they get more lost in a separate Department of Education than they do now under the present structure?

Mrs. CHISHOLM. Yes, I happen to think they will get more lost, only because I have witnessed that so many of the amendments to

educational legislation that redounded to the benefit of groups which I have just mentioned to you came as a result of the tremendous support from the labor coalition with the educational groups in this country.

I sat on the Education Committee for 8 years, and I have documented the kind of amendments that were put into bills in the subcommittee and committee level on the Education and Labor Committee, that inevitably redounded to the benefit of these groups I have just mentioned, and in most instances those passed as a result of the labor coalition working together with educational people.

That is why I have tremendous reservation about the separation between labor and education.

Mr. ROSENTHAL. Let me follow this up. Why couldn't that happen in a separate Department? Is it because they appear before a different congressional committee when you split this coalition between labor and education?

Mrs. CHISHOLM. I am going on the basis, Ben, of past experiences. I am going also on the basis of the fact that when it comes to lobbying and pressuring, for those at the bottom of the economic structure, the disadvantaged structure, those who do not have inherent power in organizations, that we have had to depend on the labor coalition in this country. That is how I feel.

Mr. ROSENTHAL. I understand that. I accept that to be a truism.

Will you lose that labor support either philosophically or principally or mechanically because of the creation of this Department? Why will it be lost?

Mrs. CHISHOLM. It will be lost because inevitably the new Department will be controlled by the professional education groups in this country, period, inevitably. That is how I feel.

Mr. ROSENTHAL. And labor will have less influence in that area than they do in the HEW formula?

Mrs. CHISHOLM. There is a necessity, in my humble opinion, for the coalition of labor and education in order to get the benefits that we have been able to gather through the years in educational legislation as a result of education and labor working together.

Mr. ROSENTHAL. I accept that. I accept that to be so.

Will that coalition lose its efficacy, its strength, if there is a separate Department of Education, and why?

Mrs. CHISHOLM. I believe it will lose its strength because inevitably I could see coming in the near future the division and the separation of the Committee on Education and Labor, and, therefore, if you inevitably have the separation of the Committee on Education and Labor, the labor forces are going to focus on the Labor Committee. It is inevitable.

Everybody will tell you, such as Chairman Perkins, who said he will work to really continue to have this joint committee, but we know in terms of history and what happens eventually when you create this group, and that is why I am concerned. I understand, finally, that pragmatically on the surface that it looks good to have all the education units coming together, but historically, politically, in terms of benefits, I just wonder.

Mr. ROSENTHAL. Thank you very much. Again, I want to commend you for an enormously significant contribution to the discussion on this subject.

Mr. BROOKS. Mr. Blouin?

Mr. BLOUIN. Mr. Chairman, I don't want to ask a question. I want to thank the gentlelady for her very kind comments concerning me. Her friendship is deeply appreciated. Her comments on BIA are right on target, and I hope every member of this subcommittee would take them to heart.

Thank you.

Mr. BROOKS. Thank you very much, Mrs. Chisholm. Mr. Richmond and Mr. Pursell, we are going to recess and come back, and right after that, we will proceed with you and Mr. McIntyre, who is standing by.

[Recess taken.]

Mr. BROOKS. The subcommittee is back in order and the next witness is the Honorable Fred Richmond from the 14th Congressional District of New York, first elected to Congress in 1974 and was reelected to the 95th Congress. Mr. Richmond serves as chairman of the Domestic Marketing, Consumer Relations, and Nutrition Subcommittee of the Committee on Agriculture.

Representative Richmond is a former New York City councilman, where he served on the finance council. He is also a former State legislator and served on the Governmental Operations Committee.

Representative Richmond was born in Mattapan, Mass. He attended Harvard University and received his B.A. from Boston University and his LL.D. from the Pratt Institute.

We welcome you here this morning and look forward to hearing your testimony.

#### STATEMENT OF HON. FRED RICHMOND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. RICHMOND. Thank you very much, Mr. Chairman. It is a pleasure to be here this morning to comment on H.R. 13343, a bill to establish a Department of Education.

As chairman of the House Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, I am particularly concerned about the administration's proposal to transfer child nutrition programs from the U.S. Department of Agriculture to the proposed Department of Education.

Last year the USDA spent approximately \$2 billion for the school lunch and school breakfast programs. These programs provided a daily average of 28 million American school children with what are, for many, their only balanced meals. In the State of New York alone, 2 million children depend on these programs for supplying a major portion of their dietary needs.

Consequently, it is imperative that the child nutrition programs continue to operate as effectively as possible. In light of the positive effects of good nutrition on the health and learning abilities of the children, the primary consideration of the Federal Government should not be how much the budgets of the various departments are impacted, but rather how a maximum number of children can be served appetizing and nutritious meals at the least possible cost.