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HEARINGS
BEFORE THE
COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE
NINETY-FIRST CONGRESS

SECOND SESSION

ON

SIDNEY P. MARLAND, JR., OF NEW YORK, TO BE UNITED STATES
COMMISSIONER OF EDUCATION

NOVEMBER 19, 20, AND DECEMBER 1, 1970

Printed for the use of the Committee on Labor and Public Welfare



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NOMINATION

THURSDAY, NOVEMBER 19, 1970

U.S. SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The committee convened at 10:15 a.m., pursuant to call, in room 4232, New Senate Office Building, Senator Ralph W. Yarborough (chairman of the committee) presiding.

Present: Senators Yarborough, Randolph, Pell, Nelson, Eagleton, Stevenson, Javits, Prouty, Dominick, and Schweiker.

Committee staff present: Robert O. Harris, staff director; Gene E. Godley, general counsel; Roy H. Millenson, minority staff director; and Eugene Mittelman, minority counsel.

The CHAIRMAN. The committee on Labor and Public Welfare will come to order. We will begin the hearings this morning on the nomination of Dr. Sidney P. Marland, Jr., to become Commissioner of Education for the United States.

I think it proper, first, to refer to some of the reports of people, some have crept into the press and I am not complaining to the gentlemen of the press about the people who have made the statement, that the Senate has dragged its feet on this nomination.

The facts belie this criticism. Dr. James E. Allen, Jr., former Commissioner of Education, resigned this post on June 10, 1970. It was well over 100 days, over 3 months before the Senate received from the executive department the nomination of Dr. Marland for this post.

That was on September 23, 1970. It was not until the day before the October 14 recess of the Congress that this nomination was finally cleared by the interested Members in the Senate, of the President's party.

Under the courtesy we have, we had not set the hearing while there was objection. As you know the elections ran into November and the Senators scattered and we could not get the Senators together until this week.

Despite the heavy weight of legislation involving particular matters such as the major occupational and safety bill, which just passed from this committee with great contributions made to that bill with the two Senators who are here with me, Senator Javits, the ranking minority member, and Senator Randolph of the ranking majority.

That legislation was worthy of a special session even if we did not have the appropriations bills to act on. It has long been delayed.

So it is my feeling that I, as chairman, and the committee have moved as expeditiously as possible under the circumstances very ex-

peditionously concerning the long delay of the administration in sending up the appointment for this very important position.

Dr. Marland, I have your biographical sketch here, with your current post and affiliations, your experience is too extensive for me to read it all, but it has been in the field of education.

Your current post—we will note those, with some of your educational interests, both your A.B. and M.A. degrees from the University of Connecticut, and Ph. D. from New York University and doctor of laws from the University of Pittsburgh.

National Educational Corporation, Council on Economic Education, the President's Advisory Council on Education of Disadvantaged Children, the President's Advisory Council for the office of Economic Opportunity, the National Advisory Board of Scholastic Magazine's, Inc., the executive committee of the Washington Internship in Education, the Educational Advisory Board of the International Business Machines Corp., Visiting Committee of the Board of Overseas Harvard College, chairman of the Board of Advisers School of Education, University of Pittsburgh and chairman, Educational Leadership Training Institute U.S. Office of Education.

And numerous past posts and co-author with Carleton W. Washburne of the "The History and Significance of an Educational Experiment" and the numerous monographs, chapter contributions and journal articles that have been published under your authorship in most cases run four pages in length beginning with your first publication, mimeographed publication, in 1948.

Your master's thesis in 1950, your articles in 1951 in the "School Executive" and in the "Educational Digest" and from there on the publications multiplied in diversity and depth of the title, to go by the titles in the multiplicity of journals in which they were published and also book publications and pamphlet publications and articles of various kinds.

I direct that the Reporter print at this point in the record the full biographical sketch by Dr. Marland and the list of publications, I notice you most easily say partial list of publications, will be printed in the record.

(The information referred to follow:)

SIDNEY P. MARLAND, JR.

President, Institute for Educational Development, New York
 Formerly, Superintendent of Schools, Pittsburgh, Pa., Winnetka, Ill.,
 Darien, Conn.
 A.B., M.A. degrees, University of Connecticut
 Ph.D., New York University
 LL.D. (honorary), University of Pittsburgh

Current Posts and Affiliations

Board of Directors, National Educational Television
 National Merit Scholarship Corporation
 Joint Council on Economic Education
 Presidential Advisory Council on Education of Disadvantaged Children
 Presidential Advisory Council for the Office of Economic Opportunity
 National Advisory Board, Scholastic Magazines, Inc.
 Executive Committee, Washington Internship in Education
 Educational Advisory Board, International Business Machines Corporation
 Visiting Committee of the Board of Overseers, Harvard College
 Chairman, Board of Visitors, School of Education, University of Pittsburgh
 Chairman, Education Administration Leadership Training Institute, EPDA,
 U.S. Office of Education

Past Posts and Affiliations

President, Research Council of the Great Cities Program for School Improvement
 Vice-chairman, White House Conference on Education, 1965
 Trustee, University of Pittsburgh, Allegheny Community College
 Allegheny Conference on Community Development
 Visiting Professor or Lecturer at Harvard, Northwestern, New York University,
 National College of Education
 Vestryman and Warden, Episcopal Church, Winnetka, Darien
 President, Darien Free Library Association
 President, Winnetka Izaak Walton League
 Chairman, AASA Task Force on Religion in the Public Schools
 Board of Directors, Urban League of Pittsburgh

Co-author with Carleton W. Washburne, Winnetka: The History and Significance
 of an Educational Experiment (1963)
 Numerous monographs, chapter contributions, journal articles

Military Service, 1941-47

U.S. Army, infantry colonel; awarded Distinguished Service Cross, Bronze
 Star, Legion of Merit (five campaigns, Pacific Theatre)
 Director of Research, Pacific Military Intelligence, War Department,
 General Staff, Washington, D.C.

Married - three children (Sidney P., III, Pamela, Judith)

Dr. Marland is President of the Institute for Educational Development, a non-profit organization headquartered in New York City and devoted to educational consulting and research. He has over 20 years experience as a school administrator in several regions of the United States.

Dr. Marland was superintendent of schools in Pittsburgh, Pennsylvania, from 1963 to 1968. In Pittsburgh he was responsible for the development of numerous educational innovations including team-teaching, pre-primary programs, programs for the academically talented, compensatory programs, the Great High Schools concept, and many new developments in vocational-technical education and the development of the community college system in Pennsylvania. Before accepting his Pittsburgh post, Dr. Marland was superintendent of schools in Winnetka, Illinois and Darien, Connecticut.

Dr. Marland serves on the board of directors of National Educational Television, the National Merit Scholarship Corporation, and the Joint Council on Economic Education, and on the Presidential Advisory Councils on Education of Disadvantaged Children and the Office of Economic Opportunity. He is on the National Advisory Board of Scholastic Magazines, Inc., and is chairman of the U.S. Office of Education's EPDA Training Institute for Education Administration Leadership. He is chairman of the board of visitors, School of Education, University of Pittsburgh, and serves on the visiting committee of the Board of Overseers, Harvard College. He is a member of the educational advisory committee of the International Business Machines Corporation. He is a director of the Washington Internship in Education.

Among his past posts, Dr. Marland has served as president of the Research Council of the Great Cities Program for School Improvement; vice-chairman of the White House Conference on Education, 1965; trustee of the University of Pittsburgh and Allegheny Community College; chairman of the AASA Task Force on Religion in the Public Schools, board of directors, Urban League of Pittsburgh, president of the Darien Free Library Association, and has been visiting professor or lecturer at Harvard, Northwestern, New York University and the National College of Education.

As an infantry colonel, U.S. Army, he served in five campaigns in the Pacific theatre, and was subsequently director of research, Pacific Military Intelligence, on the General Staff of the War Department in Washington, D. C.

Dr. Marland is co-author with Carleton W. Washburne of "Winnetka: The History and Significance of an Educational Experiment." His work has been published in monographs, anthologies and education journals.

He holds degrees from New York University (Ph.D., 1955) and the University of Connecticut (A.B., M.A. in 1936 and 1950.) His undergraduate work was in English, and his graduate work in school administration.

His interests focus on the problems of big city schools. He has taken an active part in IED programs relating to evaluations of inner-city teaching and learning, in the changing role of school leadership nationally, and in relationships between the business community and public schools.

Partial List of Publications

1948 - 1969

S. P. Marland, Jr.

(The list includes some works in which Dr. Marland was a reader and critic and others in which he was one of several authors, all of which are so noted.)

- 1948 Marland, S. P., Jr. "School Building Needs of Darien." Darien, Conn., 1948. 37 pp. (mimeographed)
- 1950 Marland, S. P., Jr. Words and Action Toward Democratic School Administration. Master's Thesis, University of Connecticut, Storrs, Conn., December 28, 1950. 150 pp.
- 1951 Marland, S. P., Jr. "Stowage, Mr. Superintendent." The School Executive, August 1951, p. 34.
- Marland, S. P., Jr. "Local Citizens Solve School Shortage Problem." Education Digest, November 1951, p. 22.
- 1952 Marland, S. P., Jr. "The Administrator as an Educator." Paper delivered at The Administrative Institute, Harvard University, May 29, 1952. 14 pp.
- 1953 Marland et al. "The Darien School." The School Executive, April 1953, p. 67.
- Marland et al. "The Internship in Education Administration." Harvard University Graduate School of Education, 1953. 16 pp.
- 1955 Marland, S. P., Jr. "The Superintendent Takes a Self-Look." The School Executive, August 1955, p. 52.
- 1956 Marland et al. "Invite Laymen's Help." The School Executive, February 1956, p. 79.
- 1958 Marland, S. P., Jr. "More Light and Less Heat on Education." Report to citizens, Winnetka, Ill., February 1956. (pamphlet)
- Editor's interview. "Eyes on Winnetka." Nations' Schools, June 1958, p. 19.
- Editor's interview. "Winnetka Report on Teachers' Salaries." Nations' Schools, June 1958, p. 58.
- 1959 Marland, S. P., Jr. "The School Librarian as a Resource for Gifted Students." The Bulletin, National Association of Secondary School Principals, 1959.

- 1960 Marland et al. "Superintendents' Concern About Research Applications in Educational Administration." Administrative Theory as a Guide to Action. Chicago, Ill.: University of Chicago, Midwest Administration Center, 1960. 201 pp.
- Marland et al. Professional Administrators for America's Schools. Washington, D. C.: American Association of School Administrators 38th Yearbook, 1960. 310 pp.
- 1961 Marland, S. P., Jr. "Placing Sex Education in the Curriculum." The Phi Delta Kappan, December 1961, p. 132.
- Marland et al. "Beliefs and Objectives of the Winnetka Public Schools." Winnetka, Ill, 1961. 20 pp. (pamphlet)
- 1962 Marland, S. P., Jr. "Teaching the Values of Freedom in a Divided World." Social Studies Curriculum Supplement, Winnetka, Ill., 1962. 37 pp. (mimeographed)
- 1963 Marland, S. P., Jr. and Washburne, Carlton E. Winnetka: The History and Significance of an Educational Experiment. Englewood Cliffs, N.J.: Prentice Hall, 1963. 402 pp.
- Marland, S. P., Jr. "Winnetka's Learning Laboratory." Educational Leadership, Vol. 20, No. 7, April 1963.
- Marland, S. P., Jr. "Paying for Education." Winnetka, Ill. 16 pp. (pamphlet)
- 1964 Commission member, contributor. Religion in the Public Schools. AASA Commission, S. P. Marland, Jr., Chairman. Washington, D. C., 1964. 67 pp.
- Task Force member, contributor. Report of the President's Task Force on Education, 1964. (John W. Gardner, Chairman) Basis for Elementary and Secondary Education Act, 1965.
- Editor's interview. "Pittsburgh Schools." Greater Pittsburgh, Chamber of Commerce, April, 1964.
- 1965 Marland et al. "The Professional Advisory Commission." Pittsburgh Public Schools, 1965. 8 pp. (pamphlet)
- Marland, S. P., Jr. "The Quest for Racial Equality in the Pittsburgh Public Schools." Annual Report, 1965. 52 pp.
- Marland, S. P., Jr. "Ferment in the Schools." Children, March-April 1965, U.S. Department of Health, Education and Welfare, Children's Bureau, pp. 62-68.

- 1965 Marland (editor) with Kishkunas, Louis J. Occupational, Vocational, Technical Education and You. Pittsburgh Public Schools, 1965. 8 pp. (pamphlet)
- 1966 Keppel, Francis (Marland editor and reader). The Necessary Revolution in American Education. New York: Harper and Row, 1966. 201 pp.
- Marland, S. P., Jr. The Quest for Racial Equality . . . A Year Later. Pittsburgh Board of Education, May 1966. 12 pp. (pamphlet)
- Marland, S. P., Jr. "The Great High School Concept." Annual Report, Pittsburgh Public Schools, Pittsburgh Press, December 11, 1966. 12 pp.
- Schragg, Peter, interview of Marland. "The Virtues of Candor." Saturday Review, November 19, 1966, p. 1.
- Interview of Marland. "The Pittsburgh Philosophy." Time, March 4, 1966.
- 1967 Marland, S. P., Jr. "Problems and Prospects of Education in the Big Cities." Urbana, Ill.: University of Illinois Press (ERIC Clearinghouse on Early Childhood Education), 1967. 12 pp.
- Staff (Marland editor). The School Day Begins. New York: Hobbs, Dorman and Co., 1967. 203 pp.
- Marland, S. P., Jr. "Renaissance for People." Greater Pittsburgh Chamber of Commerce, November 20, 1967. 4 pp.
- Marland, S. P., Jr. "The Education Park Concept in Pittsburgh." The Phi Delta Kappan, March 1967, pp. 328-332.
- 1968 Marland et al. (Harold Howe II, editor). The Unfinished Journey. New York: John Day Co., 1968. 202 pp.
- Brookings Institution (Marland reader and critic). Agenda for the Nation. Kermit Gordon, editor. Washington, D. C., 1968.
- Printing Industry Association, interview of Marland. Typo-Graphic. January 1968, p. 8.
- National Advisory Council for the U. S. Office of Economic Opportunity, (Marland contributor and member). Focus on Community Action. Report to the President and Congress, December 1968.
- Marland, S. P., Jr. "The Professional Advisory Commission." Pittsburgh Public Schools, January 1968. 12 pp. (pamphlet)
- Marland et al. The Comprehensive School Improvement Program. Report to the Ford Foundation. Pittsburgh Public Schools, August 1968. 98 pp.

- Editor (interview of Marland). The Connecticut Alumnus, May 1968, p. 5.
- 1969 National Advisory Council on the Education of Disadvantaged Children (Marland contributor and member). "Title I, ESEA, Review and Forward Look." Report to the President and Congress, January 27, 1969. 70 pp.
- Marland, S. P., Jr. "A Blank Check for the Courageous." PACE Conference on Educational Innovation, September 30-October 2, 1968. Washington, D. C. 12 pp. (pamphlet)
- Marland, S. P., Jr. "Financing Big City Schools: Some Possible Breakthroughs." Research in Education. Eugene, Oregon, ERIC Clearinghouse on Educational Administration, 1969.
- Marland, S. P., Jr. "A Customer Counsels the Testers." Proceedings of the 1968 Invitational Conference on Testing Problems. Princeton, N. J., Educational Testing Service, 1969. pp. 101-112.
- Marland, S.P., Jr., and John F. Soboslay, Perspectives on a 5-Year Experiment in curriculum change. Published by Joint Council on Economic Education, New York pp. 65-72.
- 1970 Marland, S. P., Jr. "Suggestions Concerning Education in the 1970's." Needs of Elementary and Secondary Education for the Seventies, A Compendium of Policy Papers, General Subcommittee on Education, House of Representatives, March 1970. pp. 562-568.
- Marland, S.P., Jr., "The Changing nature of the school superintendency." Public Administration Review No. 4, July/August 1970. pp. 365-371.
- Marland, S. P., Jr., "A Proposal for a Comprehensive System of Testing for Job Entry." Report of the Commission on Tests: II. Briefs. Report to the College Entrance Examination Board, 1970. pp. 68-86.

The CHAIRMAN. We next order printed in the record the laws and orders creating the Office of Education, the mission, the organization, and the function.

Unlike many important offices like this, this is just a skeleton directive of what the Office does. In this case, the material has been compiled and the many duties listed in the 12 pages.

(The information referred to follows:)

UNITED STATES OFFICE OF EDUCATION : MISSION, ORGANIZATION, FUNCTIONS, AND AUTHORITY

CHAPTER 6.—OFFICE OF EDUCATION

(32 FR 10476, 7/15/67 (amended by 32 FR 14790, 10/25/67; 32 FR 15597, 11/9/67; 33 FR 1215, 1/30/68; 35 FR 780, 1/20/70; 35 FR 6087, 4/14/70))

The following statement supersedes all previous material issued in Part 6 (Office of Education) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare.

6-A Mission.—The Office of Education is responsible for providing professional and financial assistance to strengthen education in accordance with Federal laws and regulations.

6-B. Organization and functions.—The Office of Education is under the supervision and direction of the Commissioner of Education and is comprised of the following organizational components:

Office of the Commissioner: Manages and directs the affairs of the Office of Education with the aid of staff advisors and assistants, internal advisory groups, and special staff. Advises on education matters for the U.S. Government.

Office of the Deputy Commissioner: Under the general direction of the Commissioner of Education has broad delegated responsibility to act for the Commissioner on major aspects of operations. Assumes full responsibility for the duties of the Commissioner during his absence.

Office of the Associate Commissioner for Federal-State Relations: Serves as the principle advisor to the Commissioner on Federal-State relations and provides stimulus for and integration of all Office of Education programs aimed toward improving the leadership services of State educational agencies.

Office of the Associate Commissioner for International Education: Formulates overall policy for all international education programs and activities administered by the Office of Education. Coordinates such programs and activities and serves as the focal point for Office of Education. Coordinates such programs and activities and serves as the focal point for Office of Education relationships within the Department and with government and private agencies. Acts as secretariat with respect to Office participation in education programs of international organizations and is responsible for the recruitment of American educators for international organizations.

Office of the Associate Commissioner for Field Services: Designs, develops, and coordinates a program of support for Office of Education personnel located at the Department of Health, Education, and Welfare Regional Offices. Through the field staff, provides technical advice and assistance to State and local agencies, public and private institutions and associations which serve the national education effort. Conducts evaluation of program accomplishment in field activities, effecting improvement in consonance with the mission and policies of the Office of Education.

*Office of Administration.*¹ This office which includes the Office of the Assistant Commissioner and the following six divisions, formulates policies and procedures, and provides services necessary for sound and uniform administration in the areas of management, budget and manpower, finance, personnel, general services, and contracts (including grants). It also serves as principal source of advice to the Commissioner on all matters of general administration.

Management Evaluation Division. Provides management advice and assistance to all elements of the Office of Education.

Plans and conducts management surveys and studies of Office activities. Designs and implements continuing OE management systems.

¹ 33 FR 1215, 1/30/68.

Directs the audit coordination function within OE, and investigates and responds to GAO inquiries and reports.

Budget and Manpower Division. Formulates budget policy and procedure for the Office of Education; directs the preparation, presentation, and execution of the OE budget; and maintains personnel ceiling controls.

Personnel Division. Formulates personnel management policy and procedure for all elements of the Office of Education; classifies positions; directs the recruitment, selection, and appointment of employees; and administers the employee development program.

Finance Division. Plans, develops, and administers an integrated system of financial policy, procedure and standards for Office of Education operations; maintains central accounting of transactions for all Office funds; provides fiscal services for headquarters components of the office.

Contracts Division. Formulates contract and grant management policy and procedure for the Office of Education; directs the negotiation and administration of contracts (including grants) awarded by the Office of Education.

General Services Division. Conducts a program of general administrative services including space management, mail and messenger services, procurement management, property management, reproduction services, publications distribution, and related services.

Assigns, counsels, and administratively supervises Youth Trainees referred through the U.S. Employment Office.

Office of Information. This Office which includes the Office of the Assistant Commissioner and the following three divisions plans, directs, and coordinates the public information activities of the Office of Education and is the central liaison with news media and the general and educational public.

Publications Division. Coordinates all publications activities for the Office of Education to assure conformance with publications policies. Responsible for design and production of publications. Prepares and publishes the monthly periodical, American Education. Provides technical services and professional advice for the preparation of manuscripts, technical reports, and other materials prepared for public presentation. Maintains liaison with the Department, GPO and the Joint Committee on Printing concerning printing and publications policies.

News Division. Serves as the central channel through which education news and other education information is disseminated to the public through the various news media and to key officials throughout the Office and the Department.

Program Support Division. Provides a wide variety of editorial services to assist the bureaus and staff offices in preparing position papers, articles and other material about Office of Education programs.

Office of Legislation. This Office, which includes the Office of the Assistant Commissioner, plans and prepares new legislation necessary to carry out the function of and the objectives proposed for the Office of Education; coordinates the preparation of Congressional and other reports on bills relating to education; provides the Office with information regarding the content, status and progress of legislation affecting education, and coordinates suggestions for new legislation received from within the Office. Responsible for handling and conducting Congressional relations functions of the Office.

Office of Program Planning and Evaluation: This Office, which includes the Office of the Assistant Commissioner and the following two divisions, provides planning and programming for the Office of Education mission; provides guidance and coordination for planning and programming of Bureau and Staff Office missions; evaluates Office mission accomplishment; provides guidance and coordination for Bureau and Staff Office evaluations; and makes economic and other special analyses for the Joint Economic Advisors, the Office of Education Policy Group, etc.

Division of Program Planning: Makes economic and other special analyses to shed light on educational issues necessary for planning of educational policy.

Division of Program Evaluation: Provides planning and programming support for Office missions; administers programming phases of Bureau of Budget Planning, Programming, Budgeting Systems within the Office of Education; assists in developing 5-year projections of financial and program data, and coordinates and advises on evaluation activities of the Bureau and other Staff Offices comprising the Office of Education.

Office of Equal Educational Opportunities: This Office, which includes the Office of the Assistant Commissioner, administers compliance functions in connection with the requirement that all recipients of Office of Education program

funds assure the Office that such funds will be used without discrimination on the grounds of race, color, or national origin; administer grants to school districts for inservice desegregation-related training of school personnel or for the employment of desegregation specialists and arranges with institutions of higher education for the operation of institutes designed to help elementary and secondary school personnel deal with desegregation problems.

Office of Programs for the Disadvantaged: This Office, which includes the Office of the Assistant Commissioner, coordinates and provides leadership for and program data on Federal Education programs for the disadvantaged. Works with the various component of the Office of Education in their development of program policies and procedures. Maintains close liaison among Office of Education, Office of Economic Opportunity, and other Federal agencies involved in related programs.

Office of Construction Service: This Office, which includes the Office of the Assistant Commissioner, and the following two divisions, is responsible for all phases of professional architectural/engineering service required in conjunction with the administration of Office of Education programs for construction including project development in preparation for construction, project monitoring during construction, project completion and contracting for equipment. Provides Office of Education leadership in the planning and analysis for facility development which include campus planning and facility design and equipment.

Division of Construction Support: Responsible for development of engineering policies and procedures applicable to Office of Education supported construction activity; architectural/engineering review of construction proposals; consultative services concerning contracting procedures in the pre-construction phase, inspection and completion approval of construction activity, and for certification of construction progress as a basis for payment.

Division of Facility Development: Responsible for development of educational facilities and related community planning guides; provision of consultative services to local, State and regional planning groups; establishment of a clearing-house of educational facilities, literature and workshop activity, and for evaluation of facilities research and initiation of new research in the facilities field.

NATIONAL CENTER FOR EDUCATIONAL STATISTICS

The Center which includes the Office of the Assistant Commissioner and the following four divisions is responsible for developing and carrying out the statistical program of the Office of Education, and for coordinating the collection of statistics by the Center and other elements of OE, and assisting other units in headquarters and the field in applying and using data processing systems and services. It also develops comprehensive analytical models for investigating the operation and structures of American education.

DIVISION OF OPERATIONS ANALYSIS ²

Responsible for developing and maintaining quantitative analytical models of the educational enterprise by integrating statistical information into comprehensive structures, the principal function of which is to aid in appraising probable outcomes of significant policy or operational changes in American education. Analyzes the role of education in the life of the Nation insofar as this can be done in quantitative terms.

DIVISION OF STATISTICAL OPERATIONS

Responsible for the design and execution of the OE general educational statistical program. Develops and maintains communications with sources of educational statistics and provides leadership in development of standard terminology and reporting procedures.

Provides data validation and editing for the Center's surveys. Maintains universes and associated basic data files. Responsible for ensuring compliance with the Federal Reports Act and for administering the forms management program. Develops sampling plans for all Office of Education surveys and provides statistical consultation to all elements of the Office of Education.

DIVISION OF AUTOMATIC DATA PROCESSING²

Provides technical assistance in survey and other research activities conducted by the Office of Education. Services to all elements of the Office include computer systems analysis, computer programming, special software development, query system operation, and appliance of data input technology.

DIVISION OF DATA ANALYSIS AND DISSEMINATION

Provides, and as necessary, develops methods and procedures of statistical analysis required by or appropriate to the programs of the Office. Furnishes references, estimates and projections services for all aspects of educational statistical information, calculates allotment tables used in development and implementation of legislation. Publishes reports based on analyses of data gathered by other elements of the Center and the Office of Education.

Bureau of Elementary and Secondary Education: Responsible for administration of a program of grants to State educational agencies, as well as other State agencies having education responsibilities, grants to local educational agencies, and institutions of higher education, and the monitoring of concomitant programs. It includes the Office of the Associate Commissioner, and the following six divisions:

Division of Plans and Supplementary Centers: Administers a program of grants to local educational agencies to establish innovative and exemplary supplementary centers and services; provides grants to State agencies pursuant to approved State plans for the acquisition of equipment, for minor remodeling and for improvement of instruction in science, mathematics, history, civics, geography, economics, industrial arts, modern foreign languages, English or reading and the arts and humanities; for establishment, maintenance and improvement of guidance, counseling and testing programs; for acquisition of textbooks, school library resources, and other instructional materials. Contracts with State educational agencies or institutions of higher education for projects supporting science clubs.

Division of Compensatory Education: Administers a program providing payments to State agencies for the education of educationally deprived children, and for educational programs and projects to aid handicapped, neglected and delinquent, migrant and Indian children.

Division of Educational Personnel Training: Administers a program providing grants to institutions of higher education to provide training programs to visiting foreign educators and prospective educators from underdeveloped countries, provides grants to institutions of higher education in counseling and guidance, and for improving the qualifications of teachers and supervisors in various disciplines. Arranges for interchange assignments of American and foreign teachers, and recruits American teachers for one-way assignment overseas.

Division of State Agency Cooperation: Makes grants to States pursuant to approved applications setting forth programs designed to strengthen the leadership resources of State education agencies. Also provides for the exchange of State and Federal personnel.

Teacher Corps: Administers a program concerned with strengthening the educational opportunities available to children in areas having concentrations of low-income families and the encouragement of colleges and universities to broaden their programs of teacher preparation by attracting and training qualified teachers who will be made available to local educational agencies for teaching in such areas and attracting and training inexperienced teacher-interns who will be made available for teaching and inservice training to local educational agencies in teams led by an experienced teacher.

Division of School Assistance in Federally Affected Areas: Provides grants to local educational agencies for construction, maintenance and operation of operation of special educational programs for Cuban refugees.

Bureau of Adult, Vocational, and Library Programs: The Bureau of Adult, Vocational, and Library Programs, which includes the Office of the Associate Commissioner, and the following four divisions, administers programs of grants to States for vocational and technical education, education programs for adults, development of public library services and construction of public library facilities and for acquisition of library resources by institutions of higher education

² 33 FR 15597, 11/9/67.

and for training in librarianship. Administers grants for educational television broadcasting facilities and contracts with States for the conduct of adult education programs in civil defense and radiological monitoring.

Division of Vocational and Technical Education: Administers programs of grants to States for vocational and technical education and training, construction of area vocational education school facilities and ancillary services as well as work-study programs. Provides assistance in the administration of the Future Farmers of America and Future Homemakers of America.

Division of Library Services and Educational Facilities: Administers programs of grants to States for the improvement and development of public library services, for construction of public library facilities, for fostering inter-library cooperation and for library services for State institutions and for the physically handicapped. Administers grant programs for acquisition of library materials by institutions of higher education and for training in librarianship. Also administers a grant program for educational television broadcasting facilities.

Division of Adult Education Programs: Contracts with States for the conduct of adult education programs in Civil Defense and Radiological Monitoring; administers programs of grants to States for Adult Education Programs and to State agencies for community service and continuing education programs.

Division of Manpower Development and Training: Administers programs of occupational and basic educational training through State educational agencies; in public or private institutions pursuant to agreements with the States, or provides the training by agreement of contract with public or private training or educational facilities to the unemployed and underemployed who cannot be reasonably expected to secure full-time employment without such training.

Provides supplementary programs of training for unemployed and underemployed persons residing in areas designated under the Area Redevelopment Act and arranges for education and training of persons in correctional institutions who are in need thereof to obtain employment upon release. Cooperates in providing work experience and training programs for needy persons who require work experience or special family and supportive services, as well as training, in order to assist them to secure and hold regular employment in a competitive labor market.

Bureau of Higher Education: The Bureau of Higher Education, which includes the Office of the Associate Commissioner, and the following four divisions, administers a wide variety of support and assistance functions directed toward higher education.

Division of Student Financial Aid: Provides support in the establishment of student loan funds at institutions of higher education for making low interest loans to students and administers programs of insured loans to college and vocational students. Administers programs of grants for the operation of work-study programs for the part-time employment of needy college students and educational opportunity grants for exceptionally needy students.

Division of Graduate Programs: Administers a program of grants to institutions of higher education for construction of academic facilities to improve graduate schools and cooperative graduate centers. Administers a program of grants to institutions for fellowship grants to prospective elementary and secondary school and college teachers and for strengthening teacher education programs. Division of College Facilities: Administers a program of grants to institutions of higher education primarily for the construction of undergraduate academic facilities; provides loans to institutions of higher education for the construction of undergraduate and graduate academic facilities; makes grants to land-grant colleges and universities; makes grants to colleges and universities for improvement of higher education instruction through the acquisition of instructional equipment, and equipment for closed-circuit television.

Division of College Support: Administers programs to assist in raising the quality of developing institutions, through grants and teaching fellowships, and administers a program of grants and contracts with institutions of higher education for the operation of workshops and institutes to train faculty members in the use of educational media equipment.

Bureau of Research: The Bureau of Research which includes the Office of the Associate Commissioner and the following five divisions, promotes the improvement of education through administration of support for systematic educational research and related activities conducted outside the office.

Division of Comprehensive and Vocational Educational Research.³ Promotes the improvement of adult, technical, and vocational education by support of a broad spectrum of research and development activities designed to help present and prospective members of the labor force acquire the basic knowledge, skills, and personnel characteristics necessary to ensure continuing and satisfying work careers. Included are experimental and pilot programs designed to meet the special vocational needs of the disadvantaged. Supports institutes and seminars to prepare teachers for new and changing occupations and to upgrade competencies of teachers already engaged in adult and vocational programs.

Division of Elementary and Secondary Research. Promotes the improvement of education through support of a variety of projects and programs in all phases of preschool, elementary, and secondary education. Activities include basic and applied research, demonstrations, curriculum improvement projects, and research related to education of particular groups.

Division of Higher Education Research. Promotes educational improvement through support of a variety of research and development activities related to all facets of higher education, from junior college through graduate school. Besides curriculum improvement and a variety of basic and applied research, activities also include comparative studies of education in foreign countries, improvement of instruction in foreign languages, and the development and use of new educational media.

Division of Information Technology and Dissemination. Administers programs which provide training in educational research, and supports a variety of dissemination activities such as the Educational Research Information Center and its satellite clearinghouses and dissemination activities related to new educational media.

Division of Educational Laboratories.⁴ Administers support for research and development centers, generally located at major universities, where specific educational problems receive intensive and continuous attention; and for the network of educational laboratories where regional groups are concerned with systematic educational improvements of immediate or emerging concern. Administers support for construction and equipment of educational research facilities.

Bureau of Education for the Handicapped: The Bureau of Education for the Handicapped, which includes the Office of the Associate Commissioner, and the following three divisions, assists States, colleges and universities, and other institutions and agencies in meeting the educational needs of the Nation's handicapped children and youth who require special services. Administers programs of support for training for teachers and other professional personnel, grants for research, financial aid to help States initiate, expand, and improve their resources in the field of the education of the handicapped, and for operation of the Captioned Films for the Deaf Program.

Division of Research: Responsible for development and expansion of leadership activities and resources to provide improved direction and education for handicapped. Provides leadership to various education agencies or other groups search for better educational approaches for the handicapped.

Division for Training Programs: Responsible for implementing programs concerned primarily with training educational personnel to work with the handicapped. Provides leadership to various education agencies or other groups designed to stimulate the implementation and improvement of relevant training programs.

Division of Educational Services: Coordinates the implementation of Office of Education programs designed to provide direct or indirect services to the handicapped by providing leadership to educational agencies and other groups designed to stimulate the implementation and improvement of educational services to handicapped persons. Operates the Captioned Films for the Deaf Program.

*6-C Delegations of authority.*⁵ Except as noted below and as provided in Part 2 (Office of the Secretary) and section 6-D of this Manual (Reservation of Authority), the Commissioner of Education shall exercise the functions vested in or delegated to the Secretary, the Department of Health, Education, and Welfare, the Commissioner, or the Office of Education by or under the following:

1. Establishment of Federal agency, Reorganization Plan No. 1, dated July 1, 1939, and Reorganization Plan No. 1, dated April 11, 1953; derived from the Acts of March 2, 1867, and July 20, 1868 (20 U.S.C. 1).

³ 32 FR 14790, 10/27/67.

⁴ 32 FR 14791, 10/25/67.

⁵ 35 FR 6085, 4/14/70.

2. Establishment of and assistance to land-grant colleges and universities (Morrill Acts and special legislation in lieu thereof), except that authority to certify funds is reserved to the Secretary (Act of July 2, 1862; Act of Aug. 30, 1890, as amended; and Act of June 29, 1935 (7 U.S.C. 301-329)).

3. Availability of library facilities (Joint Resolution No. 8, 52d Congress, approved Apr. 12, 1892, as amended) (20 U.S.C. 91).

4. Publications and international education studies (Act of May 28, 1896) (20 U.S.C. 3).

5. Inspection of Howard University (section 8 of Public Law 70-634, approved December 13, 1928, as amended) (20 U.S.C. 123).

6. Membership on D.C. Commission on Licensure (section 4 of Public Law 70-831, approved Feb. 27, 1929, as amended) (2 D.C. Code 103).

7. Agreement with Housing and Home Finance Agency under Title IV of the Housing Act of 1950 regarding college housing loans (Public Law 81-475, approved Apr. 20, 1950, as amended) (12 U.S.C. 1749a(c)(2)).

8. Future Farmers of America (Public Law 81-7540, approved Aug. 30, 1950) (36 U.S.C. 271-291).

9. School construction in areas affected by Federal activities and in disaster relief areas (Public Law 81-815, approved Sept. 23, 1950, as amended) (20 U.S.C. 631-647).

10. Financial assistance for local educational agencies in areas affected by Federal activities and in disaster relief areas (Public Law 81-874, approved Sept. 30, 1950, as amended) (20 U.S.C. 236-241-1, 242-244).

11. Immigration and Nationality Act—approval of schools for aliens under student visas (Public Law 82-414, approved June 27, 1952, as amended) (8 U.S.C. 1101(a)(15)(F)).

12. Veterans Readjustment Assistance Act of 1952—approval of accrediting agencies and membership on advisory committee (Public Law 82-550, approved July 16, 1952, as amended) (38 U.S.C. 1644, 1653, 1662-1664, 1667).

13. Consultation with National Science Foundation on study of effects on educational institutions of Federal contracts and grants for scientific research and development (Executive Order 10521 of Mar. 17, 1954).

14. National Defense Education Act of 1958, including functions of the Secretary under section 1001(d) to study Federal programs in higher education, after initial contact has been made by the Secretary with the heads of departments and agencies concerned; and excepting the functions of the Secretary under sections 601, 761(a) and (d), 1001(b), and 1002(a) (Public Law 85-864, approved September 2, 1958, as amended) (20 U.S.C. 401-602).

15. Membership on Board of Trustees of the John F. Kennedy Center for the Performing Arts (Public Law 85-874, approved September 2, 1958, as amended).

16. Science Clubs (Public Law 85-975, approved Sept. 2, 1958) (20 U.S.C. 2, note).

17. Captioned Films for the Deaf and Media Services for Handicapped Children, except the functions of the Secretary under section 5 (Public Law 85-905, approved Sept. 2, 1958, as amended) (42 U.S.C. 2491-2495).

18. Grants for Teaching in the Education of Handicapped Children (Public Law 85-926, approved Sept. 6, 1958, as amended) (20 U.S.C. 611-617).

19. Preparation of national emergency plans and development of preparedness programs covering education functions and educational institutions (Executive Order 11490 of Oct. 28, 1969, Part II, section 1107, and those portions of Part 30, sections 3001, 3002, 3003, 3004, 3005, 3007, 3008, 3009, 3010 which pertain to education).

20. Manpower Development and Training Act of 1962, except the responsibility for overall policy direction of the program, for coordination of program policies with those of related programs within the Department and with other departments and agencies, and the functions of the Secretary under sections 232 and 233 (Public Law 87-415, approved Mar. 15, 1962, as amended) (42 U.S.C. 2571-2623).

21. Cooperative Research Act, except the functions of the Secretary under section 2(c) relating to the transfer of funds to other Federal agencies (Public Law 83-531, approved July 26, 1954, as amended) (20 U.S.C. 331-332b).

22. Membership on National Advisory Committee on Education (Public Law 83-532, approved July 20, 1954) (20 U.S.C. 333-337).

23. Library Services and Construction Act, except the functions of the Secretary under section 502 (Public Law 84-597, approved June 19, 1956, as amended) (20 U.S.C. 351-358).

24. Grants for construction of educational broadcasting facilities under title III, part IV of the Communications Act of 1934, except the functions of the Secretary under sections 392-395 (Public Law 87-477, approved May 1, 1962, as amended) (47 U.S.C. 390-397).

25. Cuban refugee educational assistance programs, as assigned by the Commissioner of Welfare, under the Migration and Refugee Assistance Act of 1962 (Public Law 87-510, approved June 28, 1962, as amended) (22 U.S.C. 2601-2605).

26. Approval of recognized bodies for accrediting schools of medicine, dentistry, optometry, osteopathy, pharmacy, podiatry, nursing, and public health, membership on National Advisory Council on Education for Health Professions and the National Advisory Council on Nurse Training under the Public Health Service Act (Public Law 88-129, approved Sept. 24, 1963, as amended, sections 721, 725, 841(a)(1), and 843(f)) (42 U.S.C. 293a(b)(1), et seq).

27. Research and related activities in the field of education of handicapped children, training of physical educators and recreation personnel for handicapped children, and research and demonstration projects in physical education and recreation for such children under section 302 of title V of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, except the functions of the Secretary in sections 302(d) and 503 (Public Law 88-164, approved Oct. 31, 1963, as amended) (20 U.S.C. 618; 42 U.S.C. 2698-2698b).

28. Higher Education Facilities Act of 1963, except the functions of the Secretary under section 306(b) to set limitations of general applicability respecting the amount of the annual interest grant or the amount on which such grants is based, and the functions of the Secretary under section 402(c) (Public Law 88-204, approved Dec. 16, 1963, as amended) (20 U.S.C. 701-757).

29. Vocational Education Act of 1963, except the functions of the Secretary under section 104(a)(2)(B) (Public Law 88-210, approved Dec. 18, 1963, as amended) (20 U.S.C. 1241-1391).

30. Presidential Scholars (Executive Order 11155 of May 23, 1964).

31. Assistance in desegregation of public schools under title IV of the Civil Rights Act of 1964 (Public Law 88-352, approved July 2, 1964) (42 U.S.C. 2000c-2000c-9).

32. Extension to the Trust Territory of the Pacific Islands of any program or of assistance under any program administered by the Commissioner of Education, except financial assistance under a grant-in-aid program (Public Law 88-487, approved Aug. 22, 1964) (48 U.S.C. 1681).

33. Membership on and assistance to President's Commission on White House Fellowships (Executive Order 11183 of Oct. 6, 1964).

34. Coordination of Federal education programs under Executive Order 11185 of October 16, 1954, as amended by Executive Order 11260 of December 15, 1965, except the functions of the Secretary thereunder.

35. Financial assistance for follow through under the Economic Opportunity Act of 1964 (Public Law 88-452, approved Aug. 30, 1964, as amended) (42 U.S.C. 2809(a)(2), 2971).

36. Membership on President's Council on Equal Opportunity under Executive Order 11197 of February 5, 1965, except the functions of the Secretary thereunder.

37. Vocational education facilities and supplements to certain grant-in-aid programs administered by the Commissioner of Education—Appalachian Regional Development Act of 1965 (Public Law 89-4, approved Mar. 9, 1965, as amended) (40 U.S.C. App. 211, 214).

38. Elementary and Secondary Education Act of 1965, except the functions of the Secretary under sections 103(d), 134, 510, 611, 707, and 802 (Public Law 89-10), approved Apr. 11, 1965, as amended) (20 U.S.C. 241(a)-(m), 242-44, 821-887).

39. Membership on the Federal Council on the Arts and the Humanities and grants and loans for improving instructions in the humanities and the arts under the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89-209, approved Sept. 29, 1965, as amended) (20 U.S.C. 958, 961).

40. Higher Education Act of 1965, except the functions of the Secretary under sections 109, 205, 303, and 502 (Public Law 89-329, approved Nov. 8, 1965, as amended) (20 U.S.C. 1001-1144; 42 U.S.C. 2751-2756).

41. Adult Education Act of 1966, except the functions of the Secretary under section 310 (Public Law 89-750, title III, approved Nov. 3, 1966) (20 U.S.C. 1201-1213).

42. Planning and evaluation as authorized by section 402, Title IB of the Elementary and Secondary Education Amendments of 1967, except for those evaluation funds which are reserved in any fiscal year for use at the initiative and direction of the Assistant Secretary for Planning and Evaluation; and except authority to approve regulations, establish advisory committees, and appoint members thereof, which is reserved to the Secretary (Public Law 90-247, approved Jan. 2, 1968, as amended) (20 U.S.C. 1221-1226).

43. Handicapped Children's Early Education Assistance Act (Public Law 90-538, approved Sept. 30, 1968) (20 U.S.C. 621-624).

44. The agreements made with the Department of State in connection with educational aspects of international education exchange and international technical cooperation programs under:

a. Agricultural Trade Development and Assistance Act of 1954 (Public Law 83-480, approved July 10, 1954, as amended) (7 U.S.C. Ch. 41).

b. Act for International Development of 1961 (Public Law 87-195, approved Sept. 4, 1961, as amended) (22 U.S.C. Ch. 32).

c. Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256, approved Sept. 21, 1961, as amended) (22 U.S.C. Ch. 33).

45. Emergency Insured Student Loan Act of 1969, except the functions of the Secretary under section 2 (Public Law 91-95, approved Oct. 22, 1969) (20 U.S.C. 1078a).

6-D Reservation of Authority.—No State grant-in-aid funds shall be withheld nor shall any State plan or amendment thereto submitted pursuant to any statute administered by the Office of Education be finally disapproved without the Commissioner's prior consultation and discussion with the Secretary.

6-E Redelegation of Authority.—Authority contained in section 6-C, except the making of regulations, may, to the extent permitted by law, be delegated or redelegated by the Commissioner of Education to such officials of the Office of Education as he may deem appropriate.

6-F Order of Succession.—1. During the absence or disability of the Commissioner of Education or in the event of a vacancy in that office, the first official listed below who is available shall act as Commissioner:

(a) Deputy Commissioner.

(b) Deputy Commissioner for Planning, Research, and Evaluation.

(c) Deputy Commissioner for School Systems.

(d) Deputy Commissioner for Higher and International Education.

(e) Deputy Commissioner for Instructional Resources.

(f) Associate Commissioner in order of the seniority of their appointments as Associate Commissioner or, in the event of concurrent appointments, in order of their seniority in the Office of Education.

(g) For a planned period of absence, the Commissioner may specify a different order of succession.

The CHAIRMAN. Also there is an Office of Assistant Secretary for Education and Office of Education chart. I direct that there be printed at this point in the record the chart—covering the duties of the office and at this point I mention the fact that in accordance with the rulings of this committee, you have submitted a financial statement. I have examined that financial statement. I find no conflict of interest in any of your financial interests shown in that financial statement.

(The chart referred to follows:)

The CHAIRMAN. I understand, Senator Javits, you have seen the financial statement and examined it?

Senator JAVITS. That is right, Mr. Chairman, I have similiarly examined it and I find no conflict. When the chairman has completed his remarks I have a few remarks I would like to make.

The CHAIRMAN. Under the rules and custom of this committee the chairman and ranking minority member examines the financial statement. If any other member of the committee desires to examine it they may do so if there is any complaint of conflict of interest.

I grant the request of the ranking minority member—normally you, Dr. Marland, are called on for your statement but the ranking minority and since it is his party making the nomination has asked for the privilege to make a statement first and I grant that request.

OPENING STATEMENT OF SENATOR JAVITS

Senator JAVITS. Mr. Chairman, I have asked for this privilege because of the Chair's reference to alleged delay in the confirmation hearing.

I wish to state the chairman immediately upon my request went to work on establishing a hearing. I find no fault with the committee in dragging its feet in any way on this confirmation. On the contrary it probably could easily have found reasons for doing that, but it has not.

Dr. Marland's nomination has elicited some opposition. It has also elicited a great deal of favorable comment.

I am much impressed with your qualifications, Dr. Marland, and I think you can do this job and do it well.

A number of communications which I would like to introduce into the record as the chairman have included letters from two former Commissioners of Education, Sam Brownell, who served under President Eisenhower, and Francis Keppel, who served under Presidents Kennedy and Johnson, who support this nomination.

I also have communications from the National Educational Association which has more than a million members, the American Council on Education which represents the broad spectrum of the higher education community, the National School Board Association, the Education Commissions of the States, the National Catholic Educational Association, the American Association of School Administrators, the Association of American Universities and the American Association of State Colleges and Universities.

I would like to offer these letters for the record.

The CHAIRMAN. Those letters are ordered printed in the record.

Senator JAVITS. Together with two letters also from my own State, one from the New York State commissioner of education, Dr. Nyquist, and the other from Dr. Joseph Manch, president of the council of the Great City Schools and superintendent of the Buffalo Public Schools. I also include an editorial.

I am honored that so distinguished a constituent has been named by the President to this high and critical office.

Thank you, Mr. Chairman.

The CHAIRMAN. The additional letters and communications are ordered printed in connection with those previously ordered printed.

(The information referred to follows:)

YALE UNIVERSITY,
New Haven, Conn., September 23, 1970.

Hon. JACOB K. JAVITS,
Member, Senate Committee on Labor and Public Welfare, Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: This letter is in support of the nomination of Sidney Marland for U.S. Commissioner of Education, and an expression of hope that your Committee will help to bring about speedy confirmation.

I was Commissioner of Education 1953-56, and have kept closely associated with the great expansion in Office of Education responsibilities since that time. The need for able leadership under a "confirmed" Commissioner is great.

I have known and worked with Sidney Marland in varied educational activities since he became school superintendent in Darien, Connecticut upon his return from military service in the 1940's. He is an able educator and administrator. His record of vigorous, competent and forward looking educational administration and his educational writings attest to his understanding of problems facing education in the United States and his ability to organize and direct operations which enable progress to be made in moving education ahead.

The personal integrity and vigor which Dr. Marland has exhibited in his career are important assets beyond his educational competence.

I urge that your Committee support the nomination of Dr. Sidney Marland for U.S. Commissioner of Education and assist in speedy confirmation by the U.S. Senate.

Respectfully,

S. M. BROWNELL,
Consultant in Urban Education.

NEW YORK, N.Y.,
September 23, 1970.

SENATOR JACOB K. JAVITS,
Old Senate Building,
Washington, D.C.

DEAR SENATOR JAVITS: I was delighted to hear that the President had nominated Sidney Marland as United States Commissioner of Education. I have known him for twenty years and have done a good deal of work with him in that time. He has good judgment and has shown an ability to innovate as well as to manage. As is true, I suppose, of any man who has been a leader, he has probably built up a group of critics as well as a group of admirers. I enlist myself among the latter, and I therefore hope you will give a speedy consent to the President's excellent nomination.

From what I can hear of the affairs of the Office of Education from this distance, it would be very desirable if Mr. Marland could get on the job just as soon as possible, and I therefore hope that you and your colleagues will be able to consider his appointment at the earliest possible date.

With best personal regards,
Sincerely yours,

FRANCIS KEPPEL.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., September 24, 1970.

Hon. JACOB K. JAVITS,
Committee on Labor and Public Welfare, New Senate Office Building, Wash-
ington, D.C.

DEAR SENATOR JAVITS: I am writing to advise you that the National Education Association, representing more than one million professional educators, supports the President's nomination of Dr. Sidney P. Marland for the post of U.S. Commissioner of Education.

We believe that Dr. Marland's experience and philosophy qualify him highly for this important post. He will be an effective and knowledgeable spokesman within the executive branch for the pressing needs and problems of education.

For your information and review, I am enclosing a copy of the NEA's statement on Dr. Marland.

We urge your prompt favorable consideration of this nomination so that Dr. Marland can take up the crucial duties of the position which has already been too long vacant.

Sincerely,

JOHN M. LUMLEY,

Assistant Executive Secretary, Government Relations and Citizenship.

NEA EXECUTIVE COMMITTEE ENDORSES DR. MARLAND FOR U.S. COMMISSIONER OF EDUCATION POST

WASHINGTON, D.C., September 23.—The Executive Committee of the National Education Association, which represents the vast majority of the nation's teachers, today unanimously endorsed the nomination of Sidney P. Marland Jr. as new U.S. Commissioner of Education.

After the committee met with Health, Education, and Welfare Secretary Elliot L. Richardson and Dr. Marland for several hours at NEA Headquarters this morning, Mrs. Helen Bain, NEA president, stated that the association "found Dr. Marland's philosophy and plans for action consistent with NEA goals."

The five NEA priorities as established by the association's Representative Assembly are: bargaining rights for teachers, broad federal financial support for education, student and community involvement, the right of teachers to control the teaching profession (professional autonomy), and human relations.

Marland's nomination was announced yesterday by President Nixon. If confirmed by the Senate, he will take the Office of Education post vacated about three months ago on the resignation of James E. Allen Jr. Another post that Allen held concurrently—HEW assistant secretary for education—remains vacant.

WASHINGTON, D.C.,
September 23, 1970.

Hon. JACOB JAVITS,
Washington, D.C.:

On the basis of Dr. Sidney Marland's experience and leadership, the higher education community supports his nomination to be Commissioner of Education. We hope and respectfully urge that this nomination receive speedy confirmation.

LOGAN WILSON,
President, American Council on Education.

STATEMENT BY HELEN P. BAIN, PRESIDENT OF THE NATIONAL EDUCATION ASSOCIATION, IN CONNECTION WITH THE NOMINATION OF DR. SIDNEY P. MARLAND, JR., AS U.S. COMMISSIONER OF EDUCATION

The Executive Committee of the National Education Association, which represents the vast majority of the nation's teachers, conferred this morning for several hours at NEA headquarters with HEW Secretary Elliot L. Richardson and Dr. Sidney P. Marland, Jr. over the latter's appointment by President Nixon to the post of U.S. Commissioner of Education.

Following an extensive discussion with Mr. Richardson and Dr. Marland over five major priorities of the NEA, the Executive Committee found Dr. Marland's philosophy and plans for action consistent with NEA goals and therefore unanimously endorsed his nomination.

The five NEA priorities as established by the NEA's Representative Assembly, the Association's policy-making body, are: bargaining rights for teachers, broad federal financial support for education, student and community involvement, the right of teachers to control the teaching profession (professional autonomy), and human relations.

EVANSTON, ILL.,
September 22, 1970.

Hon. JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

The National Schools Boards Association is extremely pleased that you have taken action today to fill the position of U.S. Commissioner of Education.

The office of U.S. Commissioner of Education is an extremely important one which should not remain vacant. The problems confronting education today are so diverse and complicated that if solutions are to be found we need national

leadership—leadership to work on problems of school desegregation, the education of the disadvantaged, inadequate financial support of education, and many others. We applaud your action in providing the education community with a leader of Dr. Sidney Marland's caliber and we urge the U.S. Senate to take prompt action on his confirmation.

DR. GEORGE E. EWAN,
President, National School Boards Association.

STATEMENT OF THE NATIONAL CATHOLIC EDUCATIONAL ASSOCIATION

WASHINGTON, D.C.—The nomination of Sidney P. Marland to be U.S. Commissioner of Education has been endorsed by the President of the National Catholic Educational Association, the nation's largest professional organization of Catholic educators.

Rev. C. Albert Koob, NCEA President, specifically cited Dr. Marland's "concern for the problems of all education, private as well as public," in announcing NCEA's approval of the nomination.

Praising Dr. Marlands' "training, experience, dedication, and integrity," Father Koob said that the Education Office nominee "has long displayed exceptional qualities of leadership and educational statesmanship."

Dr. Marland is President of the Institute for Educational Development, a New York firm specializing in educational research and consulting. He earlier was Public School Superintendent in Pittsburgh and in other locations.

He is one of several prominent citizens serving as Sponsors of NCEA's Educational Service and Expansion Program.

President Nixon proposed Dr. Marland for the Education post to succeed Dr. James E. Allen, Jr., who left the office in June. The Marland nomination is now being considered by the Senate Labor and Welfare Committee.

Text of Father Koob's statement:

"I endorse and applaud the nomination of Sidney P. Marland to the office of U.S. Commissioner of Education. The problems of education today demand that a person of Dr. Marlands' training, experience, dedication and integrity be promptly installed in this highly essential and sensitive position.

"Dr. Marland has long displayed exceptional qualities of leadership and educational statesmanship. His concern for the problems of all education, private as well as public, make him ideally suited for the role of Commissioner."

CAMBRIDGE, MASS., *Sept. 23 1970*

HON. JACOB JAVITS,
*Old Senate Office Building,
Washington, D.C.:*

I am authorized by the executive committee of the association of American universities a group of 46 major public and private institutions in all parts of the Nation to express the associations support of Sidney Marland as Secretary Richardson choice as Commissioner of Education. It is important that the office be filled quickly and we trust that the Senate will ratify the nomination soon.

NATHAN M. PUSEY,
President, Association of American Universities.

AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES,
Washington, D.C., September 22, 1970.

HON. JACOB K. JAVITS,
*U.S. Senate, Old Senate Office Building,
Washington, D.C.*

DEAR SENATOR JAVITS: Enclosed is a copy of a telegram which the Association sent today to President Nixon in support of his nomination of Sidney Marland to be Commissioner of Education. We hope the Committee will take prompt action.

Sincerely,

ALLAN W. OSTAR,
Executive Director.

SEPTEMBER 22, 1970.

RICHARD M. NIXON,
The White House,
Washington, D.C.:

On behalf of the American Association of State Colleges and Universities, as organization of 275 institutions in 46 states, the District of Columbia, Guam, and Virgin Islands which enroll 25 percent of all college students, we want to commend you on your nomination of Dr. Sidney Marland to be Commissioner of Education. You may be assured that Dr. Marland will have our fullest cooperation and support in his efforts to deal with the critical educational problems facing our nation.

HILTON C. BULEY,
President, American Association of State Colleges and Universities, and
President of Southern Connecticut State College.

ALLAN W. OSTAR,
Executive Director, American Association of State Colleges and
Universities.

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS,
September 22, 1970.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: We have today wired President Nixon as follows: The American Association of School Administrators is indeed pleased with your appointment of Dr. Sidney P. Marland, Jr. as United States Commissioner of Education. We believe that Dr. Marland will bring to this assignment a unique style of leadership that will launch the Office of Education into a new and exciting era of progress and accomplishment. Familiar with the smell of chalk dust and buttressed by the knowledge and experience he gained while providing exemplary leadership to school districts, Dr. Marland is admirably equipped to be the nation's chief educational spokesman. We pledge our support and cooperation to the new United States Commissioner of Education and the important office which he will head.

We urge strongly that prompt action be taken by the Senate Committee on Labor and Public Welfare on the confirmation of Dr. Marland's appointment. The office of United States Commissioner has now been vacant since June 10. Simple logic and the genuine concern which we share for the welfare of the schools of this country would dictate that this condition should not persist. We, therefore, sincerely solicit your cooperation as a member of this Committee in securing prompt action on Dr. Marland's appointment.

Sincerely,

FORREST E. CONNER,
Executive Secretary.

NYS EDUCATION DEPARTMENT,
September 25, 1970.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.:

I am delighted that the President has moved to fill the position of U.S. Commissioner of Education.

Mr. Marland has been a superintendent of schools of a major urban center. The plight of education in our urban centers is a most pressing problem now and will continue to be for a period of time in the future. Mr. Marland's experience with these problems gives him a basis for exercising sound judgment on establishing the federal role in this area.

I would, in addition, support the position that Secretary Richardson should have working with him those men whose judgment he trusts and has confidence in.

I favor the nomination of Mr. Marland to this position.

I hope the Senate might work with all due speed to confirm this nomination.

EWALD B. NYQUIST,
NYS Commissioner of Education.

WASHINGTON, D.C.,
September 23, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.:

Boards of education and superintendents of schools in 21 great city school systems strongly endorse President's nomination of Dr. Sidney Marland, Jr., as U.S. commissioner of education. His understanding of problems of urban education urgently needed in office of education. His demonstrated leadership urgently needed in American education community. We urge your prompt and favorable consideration of this nomination.

DR. JOSEPH MANCH,
President Council of the Great City Schools, Superintendent Buffalo Public Schools.

PITTSBURG, PENN.,
September 26, 1970.

Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.:

Strongly urge that you support confirmation of Doctor Sidney P. Marland, Jr., as Commissioner of Education. His urban and suburban school experience make him ideally suited for that position.

LOUIS J. KISHKUNAS,
Superintendent, Pittsburgh Public Schools.

[From the New York Times, Sept. 26, 1970]

SOUND CHOICE FOR EDUCATION

Sidney P. Marland Jr., who has been nominated by President Nixon to be United States Commissioner of education, has the administrative skill and toughness the Office of Education needs.

Dr. Marland brings to his post the pragmatism of an insider who knows the politics of the education establishment; but his record also clearly marks him as an innovative administrator who is not the prisoner of the status quo. He is steeped in the urban school scene and, in Pittsburgh, has evolved sound programs to deal with the inner-city crisis.

Opposition to his appointment has been voiced openly by the A.F.L.-C.I.O. and its affiliate, the American Federation of Teachers, and in a more subtle, behind-the-scenes manner by Southern segregationists. Labor's objections spring from Dr. Marland's role as the official antagonist to union demands for the Pittsburgh teachers' right to collective bargaining—a position, he insists, he had to take under existing state laws. There is little merit in arguing that case now, particularly since issues of teachers' union prerogatives are not likely to come up in any of the commissioner's functions.

A confirmation battle along such lines could only have one effect—to tear the education constituency apart and, in the wake of such disunity, weaken public support. Dr. Marland's qualifications admirably suit the needs of the moment.

EDUCATION COMMISSION OF THE STATES,
Denver, Colo., November 16, 1970.

Hon. JACOB K. JAVITS,
Committee on Labor and Public Welfare,
New Senate Office Building, Washington, D.C.

DEAR SENATOR JAVITS: President Nixon's nomination of Dr. Sidney P. Marland for United States Commissioner of Education comes at a critical time in the history of our nation as it relates to the complex problems and demands upon a burgeoning education system. Quite obviously there is a crisis of confidence in education abroad in the land today. Restoring the faith of the American people in education, while at the same time working to bring about orderly changes within the system, commensurate with the needs and aspirations of our citizens, both young and old, is a prime function of the Commissioner. We feel that Dr. Marland is admirably suited for this role, and that if sustained in the United

States Senate our system of education will have an effective and articulate spokesman at the national level.

We are aware of opposition to Dr. Marland's confirmation, of course, but find very little basis in fact for it. We would point out that Dr. Marland has not only survived but has served exceedingly well in many capacities in a highly controversial field for an extended period of years. He has always gravitated to increasingly important roles of leadership in that field with a marked degree of success.

As you know, Dr. Marland has served with distinction as superintendent of schools in Pittsburgh, Pennsylvania, and Darien, Connecticut, and as Director of the Institute for Educational Development. He was Vice Chairman of the White-house Conference on Education in 1965 and is a member of the Advisory Council to the Office of Economic Opportunity for the education of disadvantaged children.

We have no time to lose in expanding proven programs, attacking the inadequacies of the schools and in making school systems accountable to the general public. We look forward to working with Dr. Marland in our efforts to improve the quality and quantity of education at the state level. We hope that you will give favorable consideration to Dr. Marland's nomination for the office of United States Commissioner of Education when it is presented.

Respectfully,

WENDELL H. PIERCE,
Executive Director.

The CHAIRMAN. Now, Dr. Marland, you may proceed with such statement as you desire to make.

**STATEMENT OF SIDNEY P. MARLAND, JR., PH. D., NOMINEE TO BE
U.S. COMMISSIONER OF EDUCATION**

Dr. MARLAND. Thank you, Mr. Chairman. I do have a statement, which with the committee's permission I would like to read. It does in part amplify the résumé which the chairman has cited.

Mr. Chairman and members of the committee, having been nominated for the post of Commissioner of Education I am pleased to meet with you this morning. In an effort to provide you with an accounting of my credentials for this post, I cite herein a roughly chronological autobiographical sketch, amplifying my résumé.

I intend this account to give you a broad view of my educational views and concerns. I hope you will accordingly overlook the excessive use of the first person singular.

I was born and raised in Danielson, Conn., a small textile town. Mrs. Marland and I continue to regard Connecticut as our permanent home State.

I entered the University of Connecticut following high school graduation in 1932, and working my way, as many did during the depression years, graduated with a major in English in 1936.

After a year of military service as second lieutenant of infantry, I started teaching high school English in West Hartford, Conn. While there I was named "outstanding classroom teacher" in 1939 by the Board of Education.

During this period I transferred to the National Guard from the Reserve Corps, partially to augment my \$1,200 a year teaching salary, and partially to anticipate probable service in World War II.

Called up in 1941, I served throughout most of World War II with the 43d Infantry Division, moving from first lieutenant to colonel. The division engaged in five major campaigns in the South Pacific and the Southwest Pacific Theatres.

I was G-3, or operations and training officer, for most of the combat period. Following the occupation of Japan I was called to the General Staff Office in the Pentagon where I served for about a year as Director of Research, Pacific Military Intelligence.

I was then recalled to Connecticut and served as Chief of Staff of the 43d Division for about a year during the division's reorganization as a peace time force. I was able to perform graduate studies in educational administration at the University of Connecticut during this final period of military service, which concluded in 1948.

In 1948 I was appointed superintendent of schools in Darien, Conn., where I gained substantial experience in the educational affairs of a swiftly growing suburb. School building construction, rapid staff increase, high academic expectations, curricular reform, and intensive budget activity characterize the 8 years in Darien.

During that period I became heavily committed to the process of involving the faculty actively in the development of educational policy when the idea was quite uncommon.

I have sustained that commitment.

In 1956 I was called to the post of superintendent of schools, Winnetka, Ill. In Winnetka, a most economically favorable suburb of Chicago, my work lay largely in curricular reform, educational experimentation, and community and faculty leadership. Under conditions of high public expectation and correspondingly high tax support, it was a lively 7-year experience.

In 1963 I was called to Pittsburgh, Pa., as superintendent of schools. During the ensuing 5 years, a number of significant educational innovations evolved in the Pittsburgh schools, including pre-primary education, upon which model Head Start was developed; team teaching, under a substantial Ford grant; the first initiatives in collaboration with Carnegie Tech which led to the Upward Bound concept; extensive planning for educational parks; heavy use of para-professionals and volunteers in classrooms, et cetera. During part of this period I served as president of the Great Cities School Improvement Council, a consortium of the 20 largest cities.

Prominent in the Pittsburgh years was the development of a faculty senate for the engagement of elected faculty members in Board of Education policy formation.

In 1968 I joined the Institute for Educational Development in New York City as president. I had become committed to the grave and urgent needs of big city education, and believed that if disengaged from the direct responsibilities of the "establishment" of education, I could do more independent work to serve urban education.

This goal has been partially achieved at this time, with a number of significant activities serving big cities now in motion. Examples include the stimulation of partnerships between industry and inner city high schools; the experimental development of the Sesame Mother model in Chicago and Los Angeles; the deep involvement in the New York City Schools with teaching innovations, a drug abuse study, and business community involvement. IED is a small, nonprofit research and development organization, supported by contracts it performs for clients.

Throughout my professional years, especially those 20 or more years as a school superintendent, I have carried a number of corollary re-

sponsibilities: university teaching at Harvard, Northwestern, New York University, and others; I have served as a member of the Board of Trustees of the University of Pittsburgh and the Allegheny Community College; I serve currently on the Board of Directors of National Merit Scholarship Corp., Joint Council on Economic Education, National Educational Television; I have served on a number of task forces and commissions emanating from the White House or the Office of Education, notably for the Office of Economic Opportunity and for the Education of the Disadvantaged; I have done a fair amount of speaking and writing, mostly on educational themes. I like to fish, play golf, and when time allows, we, as a family, enjoy wilderness canoe camping. I am accustomed to hard work and unusual hours.

I have endeavored to sketch the highlights of my professional career, revealing particularly the urban suburban scope as well as the undoubted advantages derived from experience in the Army and in the research and development field. I have prepared as separate documents a copy of my vita and a partial list of publications. I will, of course, be happy to respond further to any questions the committee may raise.

The CHAIRMAN. What was the date of your Ph. D.? The date was not on there.

Dr. MARLAND. 1955.

The CHAIRMAN. I believe we have the date of the other degrees in your biographical sketch.

Dr. Marland, I note this service in World War II. Were you in Kumagaya, Japan in September of 1945 with the 43d staff?

Dr. MARLAND. The 43d division was at Kumagaya. At that time I had been shipped back to stateside temporarily with the attendant purpose of directing the retraining of European forces supposedly being redeployed to the Japanese front. I did not accompany the division to Kumagaya.

I was in San Francisco when the decision was made not to redeploy any more European forces to the Japanese front and therefore returned to my division.

The CHAIRMAN. What was your staff assignment?

Dr. MARLAND. I was G-3, operations and training officer for the infantry division.

The CHAIRMAN. Dr. Marland, I have some questions that I have been requested to ask you. I will ask only two at first and then yield to my colleagues so they may have an opportunity to participate in this and I will come back to the others later.

First, I have had a good many inquiries from my home State concerning the future of vocational and technical education, whoever becomes the new Commissioner; specifically, these two questions are as follows: They want to know whether you will place a person with strong vocational and technical education expertise in the position now open for Deputy Association Commissioner of Adult Education, and Technical Education.

Will you put a strong person in that office who really believes in their adult and vocational and technical education?

Dr. MARLAND. Mr. Chairman, I will answer the first part of your question and then come to the second part. The first question is: Do I

place high importance on vocational and technical education? Indeed I do, sir.

I would call attention to my record as well as the things I have written and spoken for some years. I believe the future of public education rests very substantially on what is done in the direction of vocational and technical education for our boys and girls.

This is a field on which I could speak in far more detail than the committee wishes to hear, I am sure. To make it very brief, fully half of our young people in our public schools today are unrewarded by the experiences they now find there for themselves.

Those that go on to college do have a very real and relevant place. Those who do not, for the most part, are not engaged in meaningful learning—particularly in terms of the needs of our society for vocational and technical readiness.

There is a great void. I feel very, very strongly on this subject, and I was able to take some substantial licks at it in the time I spent in Pittsburgh. The Pittsburgh schools do have, today, a vigorous and, in some ways, revolutionary technical-vocational and comprehensive program.

I see a large need here nationally. I would do all I could to throw my strength as Commissioner of Education behind the efforts of the Bureau pertaining to vocational technical education.

As for the filling of a vacancy, the establishment of a person, I know of no established vacancy at this time, Senator. There is an Associate Commissioner of Education with appropriate experience. He has been aboard now about 4 or 5 or 6 months, and in my judgment is an extremely competent person.

We will hope to strengthen that entire organization both in numbers of people and their qualifications for leading this country in the direction I have cited.

The CHAIRMAN. I have no personal knowledge of the offices down there and who is in them and which are vacant, but educational interests in my State advise me there is a position now open for Deputy Associate Commissioner for Adult Vocational and Technical Education.

That was the basis of my question. People in my State who engage in that type of education have told me this vacancy exists and these communications were as recent as the 16th of November.

Dr. MARLAND. There is an Associate Commissioner of Education now in place, and that was a vacancy some time back.

The CHAIRMAN. It has now been filled.

Dr. MARLAND. It has now been filled over a period of some months.

The CHAIRMAN. What steps do you intend to take to avoid the past criticisms that program decisions in the Office of Education have been made by financial and administrative people who may lack understanding of programs in vocational and technical education? Do I make the question clear?

There has been widespread criticism that people who are the administrative people who don't know technical and vocational education are making the program decisions. They want to know if you are going to put professionals in that field in there who know what this is rather than a budget officer?

Dr. MARLAND. I am sure both parties have to be engaged in policy formulation. As we all know full well the support of educational programs does hinge heavily upon finances. Some 80 percent of the funds that are distributed by the Office of Education are for categorical distribution by formula.

Therefore, this is a governing factor. However, I would very swiftly say that program development and philosophy underlying vocational technical education or any other field should surely certainly be prominently under the control of those best qualified professionally to design and develop those programs.

They have to cut the coat to fit the cloth. That is quite an ordinary matter in school administration. The programs should be conceived and developed by the ablest minds we have in the country.

We do have a lively and effective liaison with advisory citizens who I hope will be more active in assisting in the formulation of programs and policies.

The CHAIRMAN. My last question at this point in the questioning will deal with another phase of education. In my State we have 37.6 percent of the Mexican-Americans and California has 40 percent. In my State, of the adults 24 years and over, the Anglo-white again has approximately 12 years of education.

The blacks have approximately 9 years of education, the Mexican-Americans 4.7 years of education and that is not really 4.7 years because he has been coming from a Spanish-speaking home, goes to an English-speaking-only school and after 4 or 5 years he is so embarrassed he drops out.

With that experience and with the advice and aid of the NEA, I introduced in January of 1967 the first bilingual education bill ever introduced into this Congress. It was passed in December of that year.

We did not have the aid and support for the Office of Education. We had the aid and support of NEA and many other interested organizations. Since then the Office of Education has dragged its feet on bilingual education. The Bureau of the Budget has cut it back to largely token recommendations on the authorizations.

We finally have up to \$80 million. I want to know if from your experience in New York, the assignment you took there 2 years ago, if you doubtless come in contact with this problem in New York City not only with Spanish-speaking but other groups where English is not the mother tongue and these people don't have a real chance in life if they don't learn English, the national language, and if you will help implement that bilingual education program?

This committee with the aid of the Senate and the House has the authorizations in the bill but when it comes out of HEW and the Bureau of the Budget combined the appropriations they ask for are minuscule.

Dr. MARLAND. I understand, sir, and while I can't speak for the Office of Education having been reluctant to advance this activity, I can say that the evidence I have seen as a citizen as well as informed professional persons suggests that the work now being done in bilingual education shows significant progress.

The CHAIRMAN. We just need more funds; \$20 million when you have millions of children of non-English-speaking homes figures out to just \$2 or \$3 a year.

Of course, it takes longer to train a bilingual teacher than a monolingual teacher.

I will forgo further questions so my colleagues might have an opportunity to ask questions and I will come back to the other later. But first, I want to welcome the newest member of this committee, from a very distinguished family in American governmental life, the Senator from Illinois, Adlai Stevenson III, whose grandfather presided over the Senate as Vice President, whose father was Governor of Illinois and one of the Assistant Secretaries in the Department of State, the distinguished Ambassador to the United Nations, the titular head of the Democratic Party for 8 years. Senator Stevenson comes to this committee with successful experience in the State government, a statewide elective office; he won his spurs in statewide elections before being elected to the Senate.

Senator Stevenson, we welcome you to the committee. We think we have the best committee in the Congress. This is the place where people ask to serve who believe in doing something for people.

The year before last in signing one of the educational bills President Johnson turned to me and said 80 percent of all this legislation would help people come from your committee and this is a diligent working committee.

You arrived in time to vote for one of the great bills this committee has tried for years to pass, the health and occupational safety bill for the 80 million American workers.

I congratulate you on that first vote and we are very proud to welcome you to this committee.

I yield to the ranking minority member.

Senator JAVITS. I, too, on the part of the minority, would like to welcome Senator Stevenson to the committee. It has a great bipartisan tradition and deals with almost half of the nonmilitary Federal budget, has vast responsibilities, Senator Stevenson's character backed by such a magnificent tradition—I knew his father very well and his own taste for the best in education and the welfare of the people—I know, will make him very helpful.

The minority has been very pleased that he has been named to this committee.

The CHAIRMAN. Let me reemphasize what Senator Javits has said. I think we have a fantastic record of accomplishment in this committee and it has only been accomplished with a bipartisan effort.

Without the leadership of Senator Javits and other members of the party legislation would be bogged down. When I first came to this committee 13 years ago, much legislation did bog down. It was not as bipartisan as it was now but through bipartisan participation we have passed much legislation for the American people.

We know from your past record and from your public service that this committee is strengthened by your addition to it and we are glad that you chose this committee.

Senator STEVENSON. I am very grateful to you, Mr. Chairman and Senator Javits, for your very kind remarks. It will be a privilege for me to serve with both of you and all of the members of this distinguished committee. I will do my best.

Thank you.

The CHAIRMAN. Now we revert to the hearing in progress and Senator Randolph will forego asking questions until other Senators have questions, if you care to.

I yield to the ranking majority member of the committee, the distinguished Senator from West Virginia, Senator Randolph who is the only man I personally know who serves on the governing board of three different institutions, of higher learning as well as being a former college professor.

Senator RANDOLPH. Thank you, Mr. Chairman.

I do not want to prolong the accolades for Senator Stevenson except to say I want the record to reflect that I had the privilege of knowing his father and assisting his father and traveled with him throughout many States during the campaign of 1956. I, too, welcome you to the Senate and to the deliberations of this committee.

Mr. Chairman, I have noted in the statement of Dr. Marland that in 1948 he went to Darien, Conn., and he has characterized that area as a rapidly growing suburban community.

He has further indicated that he has a program initiated there or at least it was under his guidance which brought in faculty involvement in certain decisions or in the development of a better educational system.

The statement could not go into detail but the subject is of such interest to me, I would ask that you discuss that in a more definitive way.

Dr. MARLAND. In 1946, it was not as common as it is today, by a considerable means, to have teachers systematically involved in the process of governing in the schools in which they serve.

It happened that I had been doing my own master's work at that time on the subject of school administration, and particularly on what I described as the lack of democracy in the process of faculty involvement in the affairs affecting their lives. Their competence in such affairs was always not readily acknowledged in formal board of education policy. Briefly stated, we created in Darien—interestingly enough with the initial reluctance which was unaccustomed to the role of the faculty—a means to allow the faculty to advise on major policy formulation, all because the faculty was unaccustomed to this role.

After a year or two it flowered and became a very effective instrument. We called it the faculty council as I remember; it met with the board regularly. It particularly met to formulate its own ideas, ideals, and suggestions and to develop suggested policy formulations for review and adoption by the board of education. This was a kind of beginning model. It was at that time crude and not as refined as subsequent years unfolded. But it was the beginning, at least in my own experience, of involving faculty in decisionmaking.

It was a regularized arrangement where the faculty members were elected by their fellows, roughly, I think, eight or 10 of the teachers representative of the faculty and correspondingly about nine board members. Out of this grew a warm and mutually supportive relationship that brought about educational change in ways that the teachers felt very much a part of such change.

Senator RANDOLPH. Dr. Marland, in your experience with faculty members, those staffs of teachers with whom you have been associated and had direct leadership, have you determined that there is increas-

ing effort of the teacher per se to identify himself or herself with the community, or is there the criticism which has often been heard in the past that the teacher is not part of the community and does not even live there? Because of our rapid means of transportation, the teacher may live 60, 70, 80 miles from the site of the school in which he or she is teaching, so the teacher is available for only a comparatively few hours of the day and does not become identified with a knowledge, say, of even the student, let alone some members of the faculty.

There are those who might want to confer with that faculty member and notably parents who might want to talk with the teacher.

I would like to hear your comments on this matter.

Dr. MARLAND. I think your statement is right: this is a criticism that has been leveled at education and teachers. I don't think it is a fair criticism. I think teachers are professional people. They have a life to lead in which they serve society during substantial hours of their day.

I think it is very, very fine and very fortunate if a teacher happens to live in the community where he works. We are looking perhaps somewhat wistfully to a small town or rural situation such as the one where I grew up. Two of my teachers lived next door to me and were very nice to me and friendly, and I raked their leaves and mowed their lawn. But we are not that much of a society any more in terms of the millions of young people who are clustered in our cities where teachers may or may not choose to live where they work.

Teachers should be free to live where they choose but, and here I comment onto the question you have raised and possibly point toward a solution. I think the teachers—regardless of where they live—should find arrangements within their professional lives so as to familiarize themselves and involve themselves more in their working day.

This would mean arrangements to consult with parents in or out of school so they can compensate if you will for the fact that the teacher no longer lives next door, and often does not know the community in which he is teaching.

I think the question you raised is an important one. I don't think it is fair to criticize teachers for it.

Senator RANDOLPH. I find your responses most satisfying. You went further after you left Darien and you spoke of your lively 7 years in Winnetka, Ill. I don't know why you used the word lively but you listed some innovative programs that were brought into being there.

I note there was some experimental education that came under your guidance and leadership. I want you to spell it out.

Dr. MARLAND. Winnetka historically is a pioneer type of educational community. Chairman Yarborough mentioned Washburne, with whom I collaborated on a book, and who came to Winnetka before I did. Under his leadership, the community came to expect experimentation in their schools. When I joined the staff in Winnetka as superintendent, that expectation was there. There had been perhaps an overcommitment to experimentation for experimentation's sake in some parts of the system and there was a certain element of disorder and a changing faculty.

We developed a more systematic pattern for curriculum in experimental veins, notably highly individualized instructional materials in mathematics, in the social studies and in the sciences.

We also developed a number of other innovations including the use of closed circuit television. We could put the ablest teacher in the community in a given field on a closed circuit television camera. He would discuss the poems of Robert Browning and circulate that message, let's say, to all seventh graders who at that time might be studying Robert Browning.

This was fairly early in the history of closed circuit television as an instrument for increasing the productivity of teachers through technology.

Another experiment that we developed was what we called the learning laboratory, where youngsters who qualified for completely independent learning started at about age 5 and worked in a laboratory under the general surveillance of a brilliant teacher. They could pursue their own activities, utilizing films, film strips, readings, original works where possible, recordings, in any number of fields—English, foreign languages and so forth.

Winnetka was lively in the spirit that it was a town that was willing to accept new and different ideas and to give us freedom to explore and provide the funds for such exploration.

Senator RANDOLPH. Thank you, Dr. Marland.

Then after you moved from Winnetka you went to Pittsburgh in 1963.

Dr. MARLAND. Yes.

Senator RANDOLPH. Of course, that is a suburb of West Virginia. I realize that you have stated that you had a heavy use of paraprofessionals and volunteers in class rooms. I think we ought to know a little bit more about that program.

Dr. MARLAND. The concept of the paraprofessional is not necessarily an exclusive invention of the Pittsburgh public schools. However at that time I think we were among the first school systems to set up a systematic arrangement for the discovery of people of modest economic circumstances—particularly minority persons—to bring them into the school. This was designed to give greater meaning to the schools in terms of the environment for a child. It also benefited the sensitive adult who might have all of the qualifications of a teacher, who might not even have a high school diploma but who was a vigorous, sensitive, informed and wise person. These were more often women than men.

But we were able to get some men. Very often they were people of very, very limited economic circumstances, but we attached them to what we called our teaching team. By good fortune at that time we had a Ford grant. Pittsburgh, like most large cities, was short of money for any innovations at this time and it was before the days of title I or title III.

I think that perhaps some of the features that we helped develop there as I noted earlier may have contributed to the inventions of ESEA.

In any case the paraprofessional became a legitimate and very essential element of our program in Pittsburgh. In the inner city particu-

larly, a team would be made up of a master teacher, a teacher, a student teacher—generally from a nearby university—and a paraprofessional.

They would have roughly 100 children among them to work with, sometimes in groups of five or six or eight, sometimes in groups of 40, 50, 60, depending on the nature of the program.

It gave greater fluidity to class organization, considerable attention to individualized instructions. The presence of the paraprofessional indeed changed the chemistry of those classrooms favorably and provided a better and more humane setting, especially for the deprived child.

Senator RANDOLPH. I directed this type of question to Dr. Marland, Mr. Chairman, because I think increasingly we have taken an increased interest—as we must—in the handicapped student.

You have not mentioned this person. I am wondering if in the paraprofessional program there has been given the attention to the teaching process for the handicapped boy or girl?

Dr. MARLAND. I think probably not, Senator Randolph. I have to plead ignorance. I have not seen evidence of the effective development of paraprofessional personnel in the teaching of handicapped children. I do have—I have not mentioned it—I do have a very keen interest in special education.

In fact I could have cited among some of the lively things in Winnetka what I think is a very interesting and useful model on this subject.

Winnetka is a small town and most of our communities in this country are small towns which they can't support a full-time program of special education.

Say you have three children who need sightsaving work and five children who are hard of hearing or deaf and you have two or three children with this or that disorder. It is not enough to warrant a program. So nothing happens and the children probably adapt as well as they can to the conventional class.

But by pooling the populations, in our case in the North Shore area of Chicago, 34 communities, we were able to pool the special education needs to get a cost effective model and set up a special education program. I happened to be president of the group that did this—we then had a population of 44,000 out of which we knew a certain proportion would be in special education including the emotionally disturbed, the mentally handicapped, the trainables and so on. Today the program that we set up is an exemplary program for the education of handicapped children.

It is exactly the kind of place where paraprofessionals would be useful. I must admit a blind spot here because I only came to appreciate the paraprofessional after I left Winnetka.

We should have had them there.

Senator RANDOLPH. I know the membership is here in considerable attendance. I shall at this time attempt to cooperate fully so they may question Mr. Marland, but later if the opportunity seems to be given to me or if I find it necessary, we might raise some of the points of opposition to the nominee that have come to us.

Just before I conclude, I wish to underscore, Mr. Chairman, what you said about the need for technical and vocational education. I

know that not only your constituents in Texas share with you their thinking which you have underscored by your comment, but I ask unanimous consent at the proper point in the record to include perhaps partial comments that have been made by Rogers A. Freeman of Stanford University in which he has indicated that our colleges are failing—I am not quoting him directly now—because they have been educating what we call the elite, I think that is word he used, cream of society, and he spoke about the need for skills that are used by plumbers, per se, instead of, let's say, the scientist.

What we have to do now, Mr. Marland, is take a quick trip around certain parts of Florida, for example, and find not a few hundred but many, many thousands of men who are highly paid in the scientific field, in the space programs and in defense work who are without jobs.

It is true also in Washington State and in many other areas of our country. I am not going to go into that except to say those persons, Dr. Marland have no place to go really. Isn't that right?

Dr. MARLAND. That is right, it is a serious problem.

Senator RANDOLPH. But there are thousands and thousands of jobs absolutely waiting for those who have the skills in certain of the vocations and the more practicable technical jobs which have to be done in every community. There is a dearth of these kind of people.

Thank you very much.

The CHAIRMAN. Thank you, Senator Randolph, and I need a slight correction in the record here. I did not realize that our distinguished ranking majority member was trustee on the governing board of four different colleges and universities. I knew of Salem College, his alma mater, of Davis & Elkins where he taught, and the Bethany College, all in West Virginia, he was on the governing board, but I overlooked the governing board of Southeastern University here in the District of Columbia.

I yield to the distinguished ranking minority member, Senator Javits.

VIEWS ON COLLECTIVE BARGAINING AND THE SO-CALLED INDUSTRIAL- EDUCATION COMPLEX

Senator JAVITS. Senator Yarborough, Dr. Marland, I am going to ask you some questions which may sound hostile but I am for you and I think the best way to deal with these questions which have been raised against you is to have a friend ask them.

You are accused of two things by those who oppose you. As you know you have formidable opposition from the AFL-CIO, no less; a very important and responsible organization.

The first ground of opposition which they raise is that notwithstanding your explanations your history indicates that you are against operations for collective bargaining in the teaching profession, on principle. They don't believe that all of your explanations have dispelled that basic belief on your part and that you would conduct the Office of Education in such a way that, while you may technically comply with the law and the existing practices in many major school

districts, you will—somehow, as they put it—chill the atmosphere in which the collective bargaining organizations for teachers can carry on their work.

The second point which is made against you is you are too much involved in the so-called industrial-educational complex and that the tendency will be on your part to overemphasize the private enterprise business influence in education both in terms of contractual relations—turning over a great deal of the educational work to them—and in the way of operations of the system more in accordance with the ideas of businessmen than more in accordance with the ideas of educators.

Those are the two questions I have and they are the only two questions I have. Would you be kind enough to direct yourself directly to those?

Dr. MARLAND. Thank you, Senator Javits. I did not find your questions hostile. I am glad I have an opportunity to respond. I have felt obliged to be silent for a long time on these charges, until the occasion of this hearing might come about.

With the permission of Senator Javits, and the chairman, in anticipating questions on this subject, I have prepared a statement. I will not read it fully. It is a fairly detailed statement which I think the committee may want to examine separately in detail.

I am being only respectful of your time in suggesting again I read a few highlights from it. Do I have the chairman's permission to read from this statement?

The CHAIRMAN. You are reading this in answer to Senator Javits' questions?

Dr. MARLAND. It is directly in answer to his questions. Whereas Senator Javits has mentioned two issues, I have grouped them into five, but I think they do respond since the questions which have been raised have been amplified further by those who question my appointment. I will simply start the paper I have drafted for you and skip along with a few highlights. I would be glad to return to it at any moment you might wish for more detail.

I would like to comment on the objections that have been raised to my nomination as U.S. Commissioner of Education. It has been charged—

1. That I am opposed to teacher organization.
2. That I am opposed to collective bargaining for teachers.
3. That, as president of the Institute for Educational Development, I am engaged in the "industry-education complex," implying a profitmaking role.
4. That I resigned as superintendent of schools in Pittsburgh following a teachers' strike, implying a cause-effect relationship.
5. That I have endorsed the concept of the "voucher plan" in elementary and secondary education.

The following statement is offered to clarify the record on these points:

1. TEACHER ORGANIZATIONS

I have been an active member of the National Education Association for over 30 years, and have served it frequently and without compensation as speaker, writer, editor, critic, and counsel.

I was once asked by its officers whether I would be willing to serve as its national executive secretary, if invited.

I believe strongly in the rights and responsibilities of organized teachers, in whatever organization they might hold membership. I worked actively and supportively with three different (and sometimes competing) teacher organizations when I was superintendent of schools in Pittsburgh.

No school administrator can exercise effective leadership today without recognizing and supporting the important role of teacher organizations as active, legitimate, and respected participants in educational policy development. I have acted, written, and spoken on this subject since 1948—long before it was popular.

2. COLLECTIVE BARGAINING

In the fall of 1967, the American Federation of Teachers (AFL-CIO), one of three teacher organizations in Pittsburgh, sought board of education agreement to recognize an exclusive bargaining agent for the faculty.

During the period 1963-67 the AFT, together with the local chapter of the Pennsylvania Teachers Association (NEA) and the Pittsburgh Teachers Association (unaffiliated) had participated actively and constructively in the professional advisory commission (PAC) a systematic forum of faculty representation designed and elected by the faculty.

In seeking exclusive representation in 1967, the AFT withdrew from the PAC, thereby substantially diminishing its effect as a representative assembly.

The Pittsburgh Board of Education had, over the years, committed itself to the professional advisory commission, and had literally accepted every significant policy formulation PAC had recommended, including a completely new salary schedule constructed by the faculty.

This was not formal bargaining, it was closer to the design of a faculty senate, found commonly in colleges and universities. It was an effective structure for informal bargaining, and without excluding any component of the professional staff.

When the AFT sought a bargaining election, the board of education attorney formally advised the superintendent and the board of education on October 29, 1967, that Pennsylvania law prohibited the board of education or any other public body from bargaining exclusively with any employee organization.

For several ensuing weeks I attempted to reconcile the AFT position with the board's position, and to restore the three party forum. This effort failed.

By mid-January 1968, the AFT had intensified its efforts through public media and meetings leading to threats to strike. As chief executive officer for the board, I sought the opinion of the Pennsylvania State Superintendent of Public Instruction as to the board's legal position.

His office advised me as follows on February 2, 1968, in a communication from Anton Hess, State commissioner for basic education.

* * * On January 30, the Assistant Attorney General, in response to a question we posed as to the legality of professional negotiations had this to say:

"In answer to your query regarding professional negotiations, it is our opinion that under existing law a school district is not required to, nor is it allowed to, recognize an exclusive bargaining agent, and it is very doubtful whether a school district may enter into a collective bargaining agreement."

The State department of education in Pennsylvania includes within its staff an assistant attorney general who provides legal counsel on matters such as this. In his capacity as the attorney general's representative in the Pennsylvania Department of Public Instruction, his opinion, while not necessarily a formal expression by the attorney general himself, is regularly sought by the State department and local superintendents, and is treated as binding by the school systems of the State.

It has been noted by AFT observers that here the opinion was not the official opinion of the attorney general himself. It would not be customary for a school district to circumvent the State superintendent of public instruction on a matter of law affecting the schools. Hence, the State superintendent's directive was in itself a very specific prohibition against exclusive bargaining by the Pittsburgh board of education.

I communicated the State superintendent's position to the leadership of AFT, urging their continued participation in the faculty forum—PAC—pending redress of the legal constraints through new legislation. The AFT declined this alternative, and elected to strike on February 29.

As in most States at that time, the strike by teachers was forbidden by law. Pennsylvania law is especially severe on this subject, mandating automatic dismissal for striking public employees.

During the strike I stated publicly that I would do all in my power within the law to ameliorate the mandated penalties. I was able subsequently to fulfill this commitment, restoring all striking teachers to full status through the assistance of the Court of Common Pleas in Pittsburgh.

The strike was resolved after 10 days with the assistance of three State legislators from Pittsburgh who with my encouragement agreed to introduce legislation immediately to allow Pennsylvania boards of education to enter exclusive bargaining agreements with teacher organizations.

The board of education agreed to accept the mandates of such a law immediately upon passage. This resolved the strike. Not until June of 1970, however, did the Pennsylvania General Assembly pass the law permitting the public employees to bargain exclusively.

I am not opposed to collective bargaining for teachers.

I have bargained informally with teacher organizations for many years. I have bargained formally and in good faith with other school employees, such as building trades, custodians and drivers.

Formal bargaining with teachers is now a reality which school administrators have accepted as necessary and which, as it matures as a process, should be widely beneficial.

Obviously, any mechanism for the resolution of disputes without resort to the strike must be fair and equitable for both sides. As I noted in the above statement, I have no quick solution to this problem. Such a mechanism should be highly desirable, since it would end the necessity for work stoppages which impose their greatest hardship on the children.

I don't know what that mechanism may be, and until it is established I, of course, recognize that teachers must have the right to withhold their services as a last resort when they are or have exhausted all other remedies of the bargaining process without reaching agreement.

I believe we should keep searching for a better method of "last resort" for public employees, especially teachers.

About a year ago, long before I was remotely considered for the commissionership, I was asked by Chairman Pucinski of the House General Education Subcommittee to offer suggestions relating to the needs of educational legislation during the 1970's.

I submitted a statement in which I discussed the major issues arising from collective bargaining in education, concluding that:

Labor-management procedures will resolve these problems to the teacher's advantage, and presumably to the ultimate advantage of public education in general, given time and appropriate legal foundations * * *.

It is urged that Congress look with favor upon the need for teachers to organize in order to gain adequate compensation and working conditions, but that universal legislation be enacted in the national interest that will make the strike against children unnecessary and untenable, and that will preserve to the people of the governance of their schools.

This calls for creative new solutions to the arrangements between public bodies and school employees. No quick solution is offered for this complex problem and so long as assumptions are made that industrial and craft union rules apply to teaching, the welfare of children, especially in big cities, is removed from the discretion of public bodies, and rests with teacher organizations.

It is very important that this problem be approached in a context which removes any implications of punishment or coercion toward teachers. It is not the fault of teacher organizations that old and irrelevant laws are transposed routinely and without examination to the emerging collective action of teachers. On the contrary, it is urged that whatever new legislation may be conceived be viewed as a design for elevating the level of collective action by the teaching profession rather than suppressing it.

3. THE "INDUSTRY-EDUCATION COMPLEX"

The Institute for Educational Development for which I work is a small, nonprofit research and development organization chartered by the regents of the State of New York. It has no material interest in products, equipment, publications, or services from commercial producers.

Established 5 years ago, its founders, serving voluntarily, recognized the need for an objective, professional resource to facilitate the newly emerging interests of industry and Government toward education.

Our institutional goals have been misconstrued in statements attributed to AFL-CIO spokesmen as "money hungry interests in the lucrative education market."

Our relations with industry take two forms, two general forms:

(a) Assisting large corporations in making their expertise and resources available to the schools, especially in large city deprived neighborhoods. This is an act of social responsibility on the part of industry, unrelated to their products or to any other profit-oriented relationship with the schools.

(b) Serving as moderator, monitor, and evaluator of programs in which commercial enterprises may be engaged by school systems to provide materials or services. In such an instance we are retained by the schools to insure protection of public interests, and to be a third party in assessments of results.

An example of the first category is our assistance to the Bell System and the other large corporations in sponsoring partnership high schools in the inner cities.

An example (the only one) of our relationship with performance contracting may be assessed in the following extract from our agreement with the State Department of Education in New Jersey.

* * * These services may help districts to explore both the opportunities and risks in performance contracting ventures, as indicated by the experience of schools in other areas. IED has been directed to respond to the requests of districts eligible for Title I and to be concerned only with protection of the interests of those districts and of the children they serve.

4. PITTSBURGH RESIGNATION

During the tense period of board faculty contention in January-February 1968, cited in 2 above, I addressed the faculty on television, from time to time. The use of television as a convenient system of communication had become familiar in our schools as distinct from the inconvenient assembly of very large numbers of teachers for faculty meetings in auditoriums.

Teachers remained after school for such a "meeting" gathered perhaps in their library.

During one such telecast I explained my personal position on the subject of demands for exclusive bargaining. I stated that I counted myself as a teacher as well as administrator and that I was unsuited to the necessary adversary role that I would be expected to occupy in formal, exclusive bargaining.

Attempting humor, and playing on the words of the familiar television commercial I stated: I would rather switch than fight my fellow teachers.

This statement has been mistranslated to suggest that I would resign, rather than enter a bargaining role. My intention was to declare that I would rather sit on the teachers' side of the table than on management's side.

In May 1968, the AFT won a representative election among Pittsburgh teachers. My mistranslated television comment of the previous winter was recalled when, on June 5, 1968, for reasons wholly unrelated to the AFT, I submitted my resignation to be effective as of a date convenient to the board, to accept the presidency of the Institute for Educational Development. The effective date became September 23, 1968.

5. THE VOUCHER PLAN

I know only what I have read in education journals about the voucher plan. I have never endorsed it. On the contrary, I have some serious misgivings about its effectiveness. However, any school system should be free to experiment with any educational concept, responsibly generated and monitored, that may open new ways to improve teaching and learning.

I will, of course, be pleased to amplify any of these topics, at the pleasure of the committee.

ATTITUDE ON TEACHER BARGAINING AND STRIKES

Senator JAVITS. Is it fair to typify your present attitude as contained in a paper which I have before me headed "Suggestions Concerning Education in the 1970's," by Sidney P. Marland, New York, N.Y.?

Dr. MARLAND. That is right, that paper was written at the invitation of Congressman Pucinski roughly a year ago as he assembled a

variety of papers leading toward what might be legislative planning during this decade.

Senator JAVITS. It is contained in a House of Representatives document, entitled "Needs of Elementary and Secondary Education for the Seventies."

Dr. MARLAND. That is right.

Senator JAVITS. If I read that paper correctly, your present attitude as you would assume this high position as Commissioner of Education of the United States is summarized on page 568 as follows—listen to me carefully, "It is urged that Congress look with favor upon the need for teachers to organize in order to gain adequate compensation and working conditions, but that universal legislation be enacted in the national interest that will make the strike against children unnecessary and untenable, and that will preserve to the people the governance of their schools."

Is that your attitude?

Dr. MARLAND. Substantially it is, Senator Javits.

I would hold that the strike is not a suitable solution to the resolution of differences between teachers and society and that the resort to force is not a sufficient way to solve problems of intellect among human beings.

Senator JAVITS. But that collective bargaining for compensation, conditions, and so forth, by teachers through organizations of their own choosing which are uncontrolled by any but themselves, you accept as satisfactory and desirable?

Dr. MARLAND. I accept it as satisfactory and desirable and as a reality and I would add I doubt that the Commissioner of Education would have any relationship whatever between States and local governments vis-a-vis teacher bargaining.

Senator JAVITS. Insofar as you did, this would be your policy?

Dr. MARLAND. That is right.

EDUCATION AND INDUSTRY

Senator JAVITS. So far as the so-called educational-industry complex is concerned, you do not find within yourself any bias in favor of the industrialization, as it were, of the educational process or plan?

Dr. MARLAND. Lest I answer that too quickly and perhaps convey too hasty an agreement, I would say that out there somewhere, Senator Javits, I hope there is a large and new relationship through which the power and the effect and if you will the success of American industry and business can be brought to bear to help the schools solve their problems.

I do mean this in selling products. I do not mean it necessarily of even profit making. I do mean it in terms of the desperate needs of our public schools to utilize the best resources we can find.

Some of this may have to do with work study. It may have to do with industry sending individuals to work with teachers in classrooms, to work in laboratories and to work in shops under the terms of the teacher and the school system. I hope to see a larger collaboration between the successful enterprises of this country and those in education that are now faltering.

Senator JAVITS. But the criterion as I understand you, would be criteria of idealism and pedagogy, motivations and objectives which are educational; is that right?

Dr. MARLAND. It is all correct and I would add one feature to your list. I believe there is an emerging degree of social responsibility at this time in our business community which is ready for this kind of overture.

Senator JAVITS. If you can carry that out Dr. Marland, you will be a great Commissioner of Education and I certainly feel I will try to help you. I believe most of us feel that way.

I hope you will not take unkindly the opposition. I think it is very helpful to you. It will keep you on the right road. There are lots of watchmen to see that you don't stray. Thank you, Mr. Chairman.

The CHAIRMAN. Dr. Marland, in connection with your statement on page 3 of the formal statement from which you read concerning in early February of 1968 in the Pittsburgh schools, were you familiar with the communication sent to the attorney general of Pennsylvania, at that time, February 4, by the executive secretary of the Pittsburgh Federation of Teachers asking whether or not the law for Pennsylvania prohibited bargaining agreements between the teacher organizations and the school board?

Dr. MARLAND. I am familiar with that, Mr. Chairman.

The CHAIRMAN. It is dated February 4?

Dr. MARLAND. Yes, sir.

The CHAIRMAN. And requesting Mr. Williams Senate, attorney general of the Commonwealth of Pennsylvania, Harrisburg whether there had been an official opinion rendered on that question, that is the question of whether or not it was illegal for a school board to enter into an exclusive bargaining agreement with one teacher organization.

Dr. MARLAND. Yes, sir.

The CHAIRMAN. I direct that that letter dated February 4—

Dr. MARLAND. I recall the correspondence and although I did not read it in my extract of the paper, the subject is covered on page 3 of the statement I made. I would add, if I can find it, I have a letter written at that time to me from the State commissioner of public instruction in Harrisburg.

I think I wrote to him and said, "Dear Dr. Kurtzman: We received from you ostensibly an opinion vis-a-vis the illegality of bargaining in the schools and you cited the Attorney General as the author."

He wrote back as follows (this is from David Kurtzman, February 21, 1968):

In reply to your telephone conversation I want to advise you, while it is true that no official Attorney General opinion was issued, the Assistant Attorney General, who is an employee of the Department of Public Instruction, has advised us by memorandum in the manner indicated to you in our previous communication:

Since this was not an official opinion, it did not clear with the Attorney General's Office which is the reason for the Attorney General stating that there is no official opinion from the attorney general. The Attorney General is currently working with us in getting an official opinion. In the meantime, we are using the facts stated in the memorandum from us from Mr. Warren Morgan, the Assistant Attorney General, as our legal guide in this matter. We are sorry that this confusion has again caused you embarrassment.

The CHAIRMAN. Are you familiar with the letter of February 13, 1968, to Mr. John B. McCord, deputy attorney general of the Commonwealth of Pennsylvania, office of the attorney general, Harrisburg,

stating to the executive secretary of the Pittsburgh Federation of Teachers in reply to their letter of February 4 he has advised that the Department of Justice "has not issued an opinion on the subject to which you refer in your letter" but the question is being presently reviewed for the Department of Public Instruction.

Dr. MARLAND. I am familiar with that and that subject to which Dr. Kurtzman's letter responded. He said that "the Attorney General is currently working with us on getting an official opinion and in the meantime we are using the facts as stated in the memorandum to us from the Assistant Attorney General as our legal guide in this matter." The board of education of Pittsburgh is bound by a ruling of the State department of public instruction, and it was on this basis that we acted and declined to recognize an exclusive bargaining election.

The CHAIRMAN. Did the attorney general of Pennsylvania ever officially make a ruling either way?

Dr. MARLAND. Not to my knowledge. Indeed, as I cited in my earlier remarks, we persuaded the legislators to introduce legislation which would ameliorate this condition. It was hoped that it would be done within days as some of the legislators thought might be possible.

But the law has taken something over 2 years to pass. It did finally pass authorizing exclusive collective bargaining in Pennsylvania as of this past June, roughly 26 months after the action was taken to again negotiate it. As far as I know, there was no subsequent opinion offered officially by the attorney general.

The CHAIRMAN. Thank you, Dr. Marland.

I will order printed in the record in connection with this the two letters from which I have read of February 4 and 13, 1968.

Senator Eagleton, do you have any questions?

Senator EAGLETON. Thank you, Mr. Chairman. I have questions in three areas.

My first area, Doctor, is in the area of impact aid. We all have our obsessions and that is one of mine. Let me ask you about group B aid which is the aid for federally connected students living off of a military base.

Montgomery County, Md., where I reside, is the classic example. We are the richest community in the United States and we receive a staggering amount of impact aid. My boy receives impact aid there because I live there, even though I make \$42,000 a year.

Do you favor this program or do you favor its elimination?

Dr. MARLAND. I have to plead some naivete on the subject of what is known as SAFA, school assistance in federally affected areas.

My preliminary bias, and I bring a very preliminary judgment to this, is that this provision needs substantial revision. Pittsburgh, where I do have some familiarity with fiscal circumstances, was ineligible for such aid.

Some smaller communities with not nearly as grave problems as Pittsburgh received significant aid under this program.

I am aware of the disparities. I am also aware of the level of commitment to sustain this kind of aid in some form. I hope that may I bend my energies to making this at least a more just program if nothing more.

Senator EAGLETON. That leads me to my next question: If "A" and "B" impact aid, the old-fashioned historical impact aid that dates

back to the early 1950's is so ingrained in our educational structure, at least insofar as Congress is concerned as to be legislatively inviolate, would you favor the funding of what we now call "C" type aid which was recently added by Congress. This gives impacted aid funds to school districts that have a high concentration of public housing students which would include your former city of Pittsburgh and it would include my city of St. Louis, and it would include Houston, Texas, Philadelphia, Denver, Milwaukee, and Chicago. All of the large cities of the country have enormous concentrations of public housing, wherein the property is taken off the tax rolls because it is public property, wherein thousands of students are in the—the burden falls on the St. Louis or Pittsburgh public school district and they receive no aid of the impacted type for that event.

So if the impact aid is here to stay, say A and B, would you favor, then, the funding of group C so as to give relief to cities as previously stated?

Dr. MARLAND. Senator Eagleton, I think it would be premature for me to take a firm position vis-a-vis specific legislation, because I have to admit that I am not that knowledgeable about this specific legislation.

The very illustration which you have offered under category C is similar to the effort I tried to launch within State law in Pennsylvania. Under the public housing code at that time we were allowed something in the neighborhood of \$28 per child as against an actual cost to the rest of the taxpayers of something in the neighborhood of \$750 or \$800 per child. The public housing contribution was an inconsequential revenue, in other words, from properties that were producing very substantial numbers of young people.

As a generalization in responding to your question without knowing the legislation specifically, that is certainly one very feasible way to go and I would add one other, again recalling my attempts to persuade the legislature in Pennsylvania along the lines you have cited, that density of population is another measurable and highly responsive device to concentrating public funds where most needed.

So many persons per square mile.

Senator EAGLETON. Would you clarify then what I deem for the moment to be something of an inconsistency between your statement "strikes are not suitable" in response to Senator Javits' question and the statement that appears on page 4 of your prepared statement?

Dr. MARLAND. It sounds ambiguous. I mean it not to be and let me try to quickly clarify it. I am definitely opposed to strikes by teachers. I would do all I could to find a better way to resolve difficulties between society and its teachers.

I have to admit that ultimately an individual is not bound to fill a position against his will. A teacher can withhold his services; he can resign; he can separate in whatever form he may, obviously.

I felt in taking the strong position I have against the strike and my dedication to finding better ways to resolve difficulties that I have at least to say, that obviously teachers at some point can decide not to work any more for an organization.

Senator EAGLETON. As one of the possible hopes or ways of avoiding the last resort system of strikes, do you envision what Senator Morse used to call negotiation to finality or negotiation to binding force?

Dr. MARLAND. It is among the alternatives to explore, but I would have to hold that in the swift evolution of social issues in which we are engaged that we have not reached the end of all truth, Senator Eagleton. We have not reached the fulfillment of all of our ideals, and I simply say this far up the scale, I passionately believe in teachers. I have devoted my life to them. We should find ways and lead others to ways of finding means by intellect, by creativity. There are some methods out there we have not discovered.

Perhaps arbitration leads us that way or perhaps we have not found or given a name to what is out there.

In my paper to Congressman Pucinski I said I don't have the solution. All I know is that the best minds that can be brought to bear on the subject should look to ways of resolving these differences without force.

Senator EAGLETON. My final area deals with this educational industrial complex. Let me state for myself that I find nothing sinister or offensive by the employment of outside educational consultants, be they of educational or business character, to help us extricate ourselves from the current morass of education.

I don't think all of the wisdom in the world is reposed in one school board or superintendent in any one city. Indeed I think they need outside advice and consultants, so I don't quarrel one iota with the concept of seeking outside advice.

My area of concern, however, is in what for lack of a better term might be labeled as a sort of incestuous relationship between these outside consulting firms and, also, their relationship to implementation of their plans.

By that I mean there have been examples of consulting firms that were hired to design a program for a given school system and then, after the design was approved by the school board, that same consulting firm was hired to implement the very program which they had designed by a previous contract.

There also are examples that go even one step further, and I find these the most troublesome of all. Not only was the firm hired to design a particular program for the school and not only were they hired to implement the very program which they had previously designed, but a "cousin" of that same organization was then retained to evaluate the program as designed and implemented.

In some of these instances, Doctor, it appears to me it is all together a too cozy relationship of half brothers and kissing cousins and what have you all working together, patting each other on the back—and in essence evaluating and approving each other.

Now, based on that premise do you find a necessity that there be a distinct, clear cleavage between program design, program implementation and, most certainly, program evaluation?

Dr. MARLAND. I certainly do between the latter two. I believe any evaluator at any level of advice should receive pure advice. The absolute integrity of all concerned including the Commissioner of Education if he is engaged in such policy level decisions should be at stake.

The illustrations you gave of an organization designing and implementing a program need not in and of itself necessarily be wrong if in the first place that was intended.

In other words, it would not be unusual for an architect to be engaged to design a total citywide building program and then be engaged to build one or more schools within that program.

It could be a legitimate arrangement if that is understood at the start. If there is hanky panky along the way that involves an organization designing this program according to its specifications so no others can bid on it and others are excluded consciously from it from the design, this is hanky panky.

Senator EAGLETON. It is the latter where it is designed to exclude everybody else in the country from qualifying to bid on it so only the designer can become the implementor that I will certainly agree with you that is classical hanky panky.

Dr. MARLAND. I find it repulsive, and if I were Commissioner of Education and found such practice is being carried or is subject to being carried out, I would take every measure with indignation in resolving it.

Senator EAGLETON. You made reference in your remarks earlier to this contract your Institute for Educational Development had with the State of New Jersey.

Mr. Carl Marburger, I believe, is the commissioner of education of the State of New Jersey and your organization IED has been hired to evaluate educational programs in the State of New Jersey. Now is there some slight—perhaps even tenuous—conflict of interest with your organization that has on its board the directors a high functionary of the New Jersey educational system and at the same time your company being the recipient of a contract to evaluate education in the State of New Jersey?

Dr. MARLAND. As I understand it, Senator Eagleton, at the time the Institute of Educational Development was invited to consider a contract with the State of New Jersey, Dr. Marburger called me and said he was afraid he was in conflict of interest if this should occur. If indeed we should be awarded the contract he stated he would resign from our board.

Subsequently, the contract was granted to IED and on the advice of his counsel Dr. Marburger resigned from the Board of Trustees of IED the same day.

I had endeavored to persuade him not to resign. I wrote to him and said we are appreciative of his offer and that he would receive a letter on this subject in a few days. The letter read in part:

At a recent conference you mentioned your concern for possible conflict of interest on your part for reason of serving on IED's board of trustees.

I hope you will find indeed then no conflict exists since as a nonprofit corporation no individual receives monetary benefits as a result of our services to your office.

Nonetheless, he did resign, probably rightly. I hated to lose him. He was a good Board member.

He had no way of profiting from the acceptance of the proposal, but he did resign and is no longer a member of that Board, Senator.

Senator EAGLETON. Thank you, Doctor, I yield to Senator Nelson.

Senator NELSON. I am still a bit confused about the question raised by Senator Javits on collective bargaining and in your response to Senator Eagleton's question. I think it very important that the record be absolutely unequivocal on the question.

You speak in paragraph 3 of your statement about the desirability of creating some mechanism for resolving teacher-administration disputes without resort to strike.

As you know, for at least 25 years, at least since 1946, when the public employee union organization development really got underway, there has been a continuous attempt by lawyers and administrators, employers, employees and employees representatives to devise ways of reaching agreements without resort to strikes.

In some situations, for instance in the big New York City strike, the public employees offered to have compulsory arbitration and the employer would not do it. In other cases the employers have offered compulsory arbitration and the employees would not do it. So this question has been wrestled with and fought about, discussed and evaluated by lawyers and labor experts representing cities, municipalities, and States and labor lawyers representing employees trying to see if a device could be achieved.

Such a device may be found. But the fact is that if you take away the right to withhold your services, the right to strike without putting something in its place, then you leave all the force in the hands of the employer.

If the employees, through their representatives, can't arrive at a resolution of arbitrary rules or the failure of the employer to grant working conditions or wage conditions that most employees have everywhere else, the only resort they have under the law now is to withhold their services or to strike.

Now I understand you are expressing the hope that somebody sometime will come up with a creative device for resolving disputes between employees and employers and in this case particularly among teachers and their employers, a device that would be acceptable to both sides—

Dr. MARLAND. Precisely.

Senator NELSON (continuing). That would remove the necessity of resorting to a strike under any circumstances?

Dr. MARLAND. That is precisely the case, Senator Nelson, and I agree with you that a great and sincere effort at creativity has been devoted to this subject for a long time. I do not hold that we should assume there is no answer out there and give up.

Senator NELSON. You do not have an answer?

Dr. MARLAND. I do not but I would be willing to work hard with teachers on it. I would hold as you imply that teachers must be a very active part of the discovery of such a solution.

Senator NELSON. You would agree with me that if somebody were to come up with this creative idea that the proposal for resolving disputes without the necessity of withholding services, that the proposal itself would have to be acceptable to both the employer and the employee and if it were unacceptable to either side you do not have a solution?

Dr. MARLAND. Absolutely. I am in complete agreement with that statement.

Senator NELSON. Would you agree that under present circumstances, since we do not have that solution, when agreement cannot be reached that the teacher as an individual or the teacher through his union has a right to strike and withhold his services?

Dr. MARLAND. Under the laws of some States they do and under the laws of some States they do not.

Senator NELSON. Philosophically do you have any objection to them withholding their services by strike rather than quitting in a circumstance where they feel they have great grievances that are unresolved?

Dr. MARLAND. We come right down to the wire on this one. I hold that teachers should not disobey the law. Then if the law permits teachers to strike, they should strike if they have just cause and have exhausted all other means.

If the law says they should not, they should not.

Senator NELSON. So you have no objection to a law that permits them to strike?

Dr. MARLAND. If the law specifically says the teachers may strike, I would not presume to differ with that law.

Senator NELSON. Am I correct in saying what your comment is on the law. Your viewpoint is that people should respect all laws and comply with the law and you are not just talking about teachers?

Dr. MARLAND. I think teachers particularly should be models of behavior for the elevation of our society to respect the law. Of all people, teachers should be something finer and are something finer as models for young people.

The CHAIRMAN. I understand Senator Nelson, you are one of the principal co-authors of the Nelson-Javits amendment in which we attempted to get some money for Headstart and that is coming up on the floor.

I understand it is on the floor now. We have another solution other than waving Senator Prouty's customary right to question after Senator Eagleton and the fact that other Senators indicated they might have questions, I am considering recessing this hearing at 12:30 until 10:30 tomorrow morning.

I had planned to complete it today, but with that recess you would have ample opportunity tomorrow, that is assuming if we do not finish by 12:30. We did not contemplate this hearing because we have other hearings tomorrow but we can rearrange things.

Senator NELSON. I had questions respecting the Teacher Corps which had the endorsement of President Nixon, President Johnson and the major educational groups in the country, the New York Times.

My question is—I am not expecting an answer now—I will ask it tomorrow—respecting the Teacher Corps and the attitude of the office of education, I have concluded, after following the Teacher Corps for 5 years that within the bureaucracy of the Office of Education they are frustrating the intent of Congress and attempting to destroy a very creative program which has the endorsement of President Nixon, President Johnson, and this committee, and the Congress.

I would like to address a series of questions on that tomorrow.

Dr. MARLAND. Can I give a quick answer and resume tomorrow?

The CHAIRMAN. Yes.

Dr. MARLAND. As I am sure you know and as I am sure your staff would know, in Pittsburgh I collaborated and acted vigorously with the Teacher Corps.

If it is indeed being submerged in the Office of Education contrary to the will of Congress I would like to correct that. I would also like to say as I will do tomorrow, if you want me to amplify my answer, there are ways I can suggest that it be made stronger.

Senator NELSON. This is the same answer I have gotten from every commissioner and yet the bureaucrats continue to clobber the Teacher Corps.

I have a feeling the bureaucracy is stronger than the commissioner of education, the President and the Congress. I want to advise Dr. Marland they will sandbag him if he does not watch them all the time.

The CHAIRMAN. Senator Prouty.

STATEMENT OF HON. WINSTON L. PROUTY, A U.S. SENATOR FROM THE STATE OF VERMONT

Senator PROUTY. It pleases me to be here today for hearings on the nomination of Dr. Sidney Marland to become U.S. Commissioner of Education. Because the smooth operation of governmental agencies can be so vital to the planning and workings of State and local educational agencies or institutions, I had hoped that a Commissioner could have been appointed before this time. Regardless of the factors that necessitated delay, I am gratified that so much interest is being shown here today, and I am hopeful it will bring early action on this Presidential nomination.

The background of Dr. Marland has been given to the committee and those here in attendance. The materials and statement he presented give adequate evidence of his strong interest and extensive experience in education. Although I could review the facts, I believe this would be unnecessary and redundant. What I would like to do, though, is relay to my colleagues and those interested, the comments from some Vermonters who have known Dr. Marland. All the constituent letters that I received were favorable to this nomination and I believe this fact is significant. One was written by a person who served with Dr. Marland during World War II and attests to his tireless work and devotion as an outstanding individual and citizen-soldier. Another letter came from the director of a small secondary school who worked with Dr. Marland on problems of the educationally disadvantaged and minority groups. He was deeply disturbed about opposition to this nomination and volunteered to testify on Dr. Marland's behalf, especially about his devotion to these matters.

In reading these letters and others, I noted the faith that these people have in Dr. Marland's character and his abilities as an educator and administrator.

These are the qualities of leadership and expertise called for by this office, and I am hopeful that the committee will be able to verify for itself Dr. Marland's qualifications so that an appointment can be made in the very near future.

HANDICAPPED CHILDREN

For a long time, I have been very much interested in the problems of handicapped children so I was happy to have you indicate in response to a question from Senator Randolph, I believe, that you place a high priority on programs in this area.

Even though funds have been earmarked it seems to me that a proportional amount has not been made available for these children. I think we have to do a great deal more in this field.

Dr. Marland, do you believe we should be placing more emphasis on the development of new model programs or on the proven models in field of education for handicapped children?

Dr. MARLAND. May I ask you to repeat the latter point, the latter part of that question?

Senator PROUTY. Do you believe we should place more emphasis on the development of new model programs or on the dissemination of proven models in this field for handicapped children?

Dr. MARLAND. I would hope we do not have the either/or choice in this. There is a great deal more research that has to be done to determine the best ways for meeting the needs of handicapped children. We have very little information on what to do with the child with cerebral brain damage, very little information.

There must be not only dissemination of what we know and the development of better institutions and progress in the state of the art itself.

I hope we can go in both directions, sir.

Senator PROUTY. I agree with you, sir.

In my State of Vermont, which, as you know, is predominantly rural; we have found very often in the past we have had difficulties trying to administer programs that seemed to have been developed primarily for use in urban areas.

Now, Dr. Marland, do you believe it is possible for the Office of Education to become more flexible in interpreting or in formulating the guidelines and regulations, or do you believe Congress should spell out in greater detail the degree of flexibility which we feel should be utilized?

Dr. MARLAND. I think one can almost say that a hyphen should be placed between the words "urban" and "rural" on virtually all educational programs emanating from this city.

I am not familiar intimately with rural education problems. I have many friends who are, and we cite chapter and verse of the very same kinds of problems, although on a different scale and different dimension. Poverty exists in the big city on a desperate scale, and poverty also exists in rural areas.

I would hope very much to be able to lead in attacking the rural issues that are identical with the urban issues in a hyphenated form.

Senator PROUTY. What are your views on the proper call with respect to placing the Federal Government in the position of supporting higher education, both public and private?

Dr. MARLAND. I believe both need the support of the Federal Government. I believe at this time in history the greatest needs for public support lie in giving equal access to the very poor. I think whatever funds we have to distribute to higher education should be deployed in such a way that we can correct the shameful condition which now tells us that the chances of a poor youngster going to college are one in 15 with the younger in a family earning over \$10,000.

I don't think that is what this country means by equal educational opportunity. So, I would say at this time in history the most urgent need is to get support out to where it will serve the most needy for higher education.

Senator PROUTY. Dr. Marland, would you briefly give us the sense of what you view as the priorities for the Office of Education?

Dr. MARLAND. I will make it very brief and if you want to cross-examine me, please do, but I will list three things I think are of the utmost urgency at this time.

The CHAIRMAN. May I interrupt at this time?

I have a compelling engagement I must go to. Senator Claiborne Pell is the educational subcommittee chairman and he has agreed to chair the meeting. Under protocol, Senator Randolph would chair but he has yielded and has asked the chairman of the Subcommittee on Education to chair.

Senator PELL (presiding pro tempore). Carry on.

Dr. MARLAND. Roughly, these four items stand most urgently as I now view the Office of Education:

(1) I think that the schools of America must restore a condition of trust in our society that in recent years has somehow diminished. I am not prepared to say how we shall do that but we must work very hard at it.

(2) I think we must find ways to intensify even more than we have been for the past 5 years, the delivery of effective educational programs to our deprived and our minorities.

(3) We must intensify and improve the quality of our research and development to find better ways to teach, especially to teach the disadvantaged; better ways of delivering the good things that come out of research; better ways to discriminate between what is worthy research and what is unworthy.

(4) We need very much to improve the self-respect, the dignity, the responsibility, and the well-earned qualities of deserving recognition in the Office of Education, itself, and to develop a sense of pride and esprit and forward thrust, a spirit of national concern and responsibility that is vested in this office and which now needs to be heavily reinforced.

Senator PROUTY. Thank you, Dr. Marland.

I have other questions but I will yield to my colleagues.

Senator PELL. Thank you very much, Senator Randolph.

According to protocol, as the chairman said, you should be presiding and I very much appreciate your letting me enjoy this honor.

Dr. Marland, I enjoyed our talk some weeks ago, in the course of which I said I had the highest respect for you but I thought you were starting out with quite a load on your back, considering the strong opposition of the AFL-CIO, with their feet dug in in opposition to you. Nevertheless I have an open mind and may well vote to confirm you.

The viewpoint labor has expressed will make your job difficult and if you are confirmed you are going to have to be a superhuman person to do a job that normally just a human person finds very difficult. This is somewhat akin to the way a woman has to be better than a man to get equal credit for having done the job. The administration has made the decision to move ahead in spite of the opposition and we want to give you a fair hearing and arrive at a fair vote.

I understand that you have answered the two gutsy questions, which are, whether you were opposed to collective bargaining, I believe Senator Nelson drew you out a little further on that and

whether you had perhaps too great a reliance in Franksteinian machines of teaching as opposed to human beings teaching.

I will read the record of your response to those points. I have great regard for your judgment, and do believe a good case can be made for innovative practices.

Without objection, at this point in the hearing record I will insert communications received from constituents of Rhode Island opposing and favoring Dr. Marland's nomination.

(The material referred to follows:)

UNIVERSITY OF RHODE ISLAND,
OFFICE OF THE PRESIDENT,
Kingston, R.I., October 2, 1970.

Senator CLAIBORNE PELL,
*Old Senate Office Building,
Washington, D.C.*

DEAR CLAIBORNE: I am writing in connection with the nomination of Sidney Marland to be Commissioner of Education, which you now have before you.

President Homer Babbidge of the University of Connecticut knows Mr. Marland well, and Homer has asked me to urge you to act affirmatively and promptly on the nomination.

While I do not myself know Mr. Marland, his credentials are superior and I have great confidence in President Babbidge's judgment.

Cordially,

Werner
WERNER A. BAUM, *President.*

TELEGRAMS

WARWICK, R.I., *September 30, 1970.*

Senator CLAIBORNE PELL,
*Old Senate Office Building,
Washington, D.C.:*

The Warwick Teachers Union Local 915 AFT strongly opposes the appointment of Mr. Sydney Marland as Commissioner of Education. His appointment is a slap in the face to all teachers. We strongly urge you actively work against his confirmation.

WILLIAM TAMMELLE, *President.*

PROVIDENCE, R.I., *September 29, 1970.*

Senator CLAIBORNE PELL,
*U.S. Senate,
Washington, D.C.:*

The Faculty Federation of Bryant College representing virtually our entire faculty strongly urges rejection of Dr. Sidney Marland as Commissioner.

JAMES P. INGRAHAM, *President.*

[From the Providence Journal, Oct. 10, 1970]

MARLAND UNDER FIRE

How strong a case the AFL-CIO can make against the administration's nominee for the position of U.S. commissioner of education is at least questionable. But George Meany and other union officials appear determined to do their level best.

They have attacked Sidney P. Marland, Jr., president of the Institute for Educational Development, on grounds that his present position would constitute a conflict of interest and, no doubt even more compelling from the union point of view, that Mr. Marland's policies as a public school administrator for 20 years characterized him as anti-union.

The conflict charge appears not to have much merit, although Senate confirmation hearings should help to clear that matter up. The institute headed by

Mr. Marland was set up with a grant from the Ford Foundation. Its function is to assist school systems in their business dealings with private firms.

"We are advisers to insure they don't become engaged in unsound relationships with industry," Mr. Marland said. "We are a third party to keep the operation clean. If the school system wants to engage an industry, it is our job to protect the schools."

The AFL-CIO makes much of a statement of Mr. Marland's 14 years ago, to the effect that teachers should shun collective security. But Mr. Marland has denied being anti-union and renounced his 1956 remarks as a "knee-jerk reaction."

No nominee for high federal office can be considered a safe bet for confirmation when the giant of organized labor turns thumbs down. But Mr. Marland has support from the million-member National Education Association and a distinguished record as superintendent of schools in Darien, Conn., Winnetka, Ill., and Pittsburgh, Pa., both of which should serve him well when the Senate vote comes.

Speculation in his favor may not be too far out. He will probably get the job and he probably should.

DEPARTMENT OF PUBLIC INSTRUCTION,
CITY OF NEWPORT, R.I.,
September 30, 1970.

HON. CLAIBORNE PELL,
The Senate, Washington, D.C.

DEAR SENATOR PELL: May I urge favorable consideration of the appointment of Dr. Sidney P. Marland, Jr. as U.S. Commissioner of Education.

I have known Dr. Marland for a number of years and have attended many meetings with him, and I know that he is the kind of person who will very effectively head the education post. He represents the thinking of the professional educators of the State of Rhode Island and I know that he is a person who will be sympathetic to our needs.

As a member of the Senate Labor and Public Welfare Committee, I also urge prompt action on hearings for this post since, as you realize, it has been vacant since the first of June.

Sincerely yours,

JOHN F. MACDONNELL,
*Superintendent of Schools and
President of the Rhode Island Association
of School Superintendents.*

WAKEFIELD, R.I., October 1, 1970.

DEAR SENATOR PELL: This writeup of my former associate, Sydney P. Marland, is one of the best I have read and I hope you will see the unfair criticism being used against him by the unions. He was most broadminded and fair in his labor relations when I worked with him in Darien, Conn. His excellence in education and administration are unquestioned.

Please give Sydney P. Marland your approval for Commissioner of Education.
Sincerely yours,

JANE W. OKIE.
(Mrs. J. P. Okie).

Senator PELL. As Chairman of the Education Subcommittee, there are a couple of questions I would like to ask you and I hope you will forgive their technical nature.

One point that bothers us is that many of the rules and regulations promulgated by the Office of Education are not accompanied with requisite citations. This concerns us in the Congress because we believe that we legislate, we set the policy, and the executive branch must execute the policy we set.

When a different policy is executed, it is very hard to catch if the citation is absent. We think that sometimes the citation is omitted because the policy differs. Accordingly, I was wondering if you had any views on this question, if you are familiar with the problem which

has been treated in section 421(a) of the General Education Provision Act?

Dr. MARLAND. I am not familiar with the problem but I would say good administrative housekeeping would suggest very specifically if a directive goes out of the U.S. Office of Education it ought to cite the origin in the law if there is such an origin.

I would agree this is nothing more than simple, good administration.

If the situation prevails, and if I am named to this office, I hope to correct the situation you describe.

Senator PELL. Do you agree with my view that the role of the executive is to execute the policies and laws of the legislative branch?

Dr. MARLAND. A qualified yes, but may I qualify?

Senator PELL. Please.

Dr. MARLAND. In some ways, and I don't presume to liken this assembly of Congress to a local board of education in any demeaning way. I hold a board of education very, very high. I have lived this life most of my professional career. They are the government locally as you are nationally.

I think a good superintendent of schools does not merely wait for the board of education to give him directives and policies. If he is a good, professional leader, he will come to the government, to the board of education, to the Congress, with good ideas, with cautions, sometimes with inspirations. Sometimes he may come with ideas that are no good have to be stopped, but he should feel free, I hope, to engage vigorously in contributing to the origin of important legislation and to be called upon to participate in it. In that spirit, I welcome the arrangement that you have implied.

Senator PELL. I would agree with you completely an executive proposes but Congress disposes. Recently we have seen a tendency for policy over enacted law to originate in the executive branch.

Another subject: The question of regionalization. I was interested in your view on this. There is a policy of this administration to decentralize many of its functions to the regions. My own experience has been that when this is being done it creates very often, I think, more confusion and problems. Fifty States in direct touch with one national center is not too difficult.

My own personal preference is to stop this tendency toward regionalization. I would support direct contact between State directors and boards of education with the National Government in Washington.

I was wondering about your view.

Dr. MARLAND. My view remains fluid but I am aware that Dr. Bell made a very careful analysis consistent with administrative policy to find ways to bring Federal assistance closer to the people. I believe that is the theme which underlies regionalization.

We in education have somewhat of an advantage over some other parts of government in that we do have a form of regionalization in the establishment of States. The constitutional integrity of States is the essential arm of educational responsibility.

With that kind of regionalization, we already have a start at bringing decisionmaking closer to the people, and many of your laws in this Congress have recognized that kind of regionalization; namely, title I of the Elementary and Secondary Education Act flowing through the States is a form of regionalization.

The added regionalization that is implied in the 10 regions is another form of it. There are some programs which I suspect, though I am not prepared to speak in any detail, can be more judiciously administered regionally than from this town.

I agree with you that those programs have to be carefully scrutinized to determine which can be most effectively deployed elsewhere and which can be most effectively administered here. It is a sticky job.

I know that Dr. Bell has labored seriously over this issue. There are some programs in regional offices consistent with administration policy. There may be more to follow if they seem reasonable.

Senator PELL. My own experience over the last 10 years with regard to my State of Rhode Island, and this applies to either administration, is that the local interests are best served by being in direct communication. The tough decisions usually get bucked up to Washington, anyway, and regionalization just adds an added period of time.

I realize there can be a question of administrative policy but I did want to express my own concern.

The Office of Education has a good many top-level jobs vacant now. One thing that concerns me about these jobs, many of which are of a technical nature, is how much political clearance is necessary for them.

Dr. MARLAND. Senator Pell, when I was invited to accept this nomination, I took occasion to inquire into that subject, and I was assured that while there would be some political considerations, by and large I would be free to name the top staff that I would hope to discover for the Office of Education.

Senator PELL. I don't mean to embarrass you in any way. There is nothing wrong with political patronage, I am a politician, too. If a man is being considered for appointment to one of these top-level jobs, does he need clearance from the national committeeman in his State?

Dr. MARLAND. Not that I know of. I do not think this is a condition of patronage as far as I can tell. I am not quite sure what patronage means. If it means someone has to earn a way into government employment by performing properly in a political environment, I see no indication of this. I do think there is a check to see what the history has been of a person politically but as to local clearances I know of none, although there may be some beyond my range of view at this time.

But at this time, whether a man belongs to one party or another, or is an independent as I happen to be, seems not to be a basic overriding issue.

Senator PELL. In your view, if a man had participated in the political affairs of the party not of the administration, would he automatically not be considered for any of these top-level jobs?

Dr. MARLAND. As nearly as I can tell, if I found him to be the best equipped man for the job, I would feel free to nominate him and expect him to be approved.

Senator PELL. The question of desegregation comes up so much in education now. As chairman of the Education Subcommittee I find much of my work involves segregation and integration problems.

What is your own view with regard to school busing?

Dr. MARLAND. If I may express sympathy for your chairmanship, a superintendent of schools who thinks of himself as having wide-ranging interests also finds himself heavily preoccupied with this same problem. It is a deep one filled with variabilities and uncertainties and one on which there are no easy answers, as I am sure you know.

As for busing, I would say that the word "busing" has brought to it a certain amount of emotional meaning which I think is unreasonable and I believe leads to faulty communication.

About 50 percent of the young people in the United States are bused to school. There is nothing unusual about busing children to school.

To the extent that busing is to reasonable distances and to a reasonable setting, a rational plan for bringing about improved integration can serve the needs of equal educational opportunity, I support it very, very warmly.

To the extent that it becomes irrational, that it may be imposed by a higher government that is unresponsive to the local circumstances and arbitrarily casts local concerns and differences aside, I would be against it.

Things that have been called massive or wholesale busing I find to be counterproductive. I think that they do not work. I do not think that you can bring about a stabilized innovative mission which is an offensive invasion of people's lives.

On the other hand, I say the busing of children, both black and white, reasonable distances in programs that are conceived and developed at the local level by rational people, black and white, is very workable and has very great promise for improving integration.

Senator PELL. Do you believe there is a relationship between quality education and integration?

Dr. MARLAND. I believe that quality education in its largest sense calls for children of minority groups to grow up to learn and live and work and play with children in the majority group and that the schools should play a large part in providing the setting for that. That is quality education in its utmost sense.

In terms of specific learning, I think research tells us that minority children learn better and white children do not learn any less well in circumstances where the races are brought together. Their lives over the long pull will be greatly more fulfilled for having learned together.

Senator PELL. Last year's ESEA Act had in it a provision for a Council on Quality Education. Nothing has been done to implement this legislation.

Would it be your policy if you are confirmed to move ahead with the legislative intent of the authorizing legislation?

Dr. MARLAND. Again I must plead ignorance of that specification Education Act.

Did you say quality education?

Senator PELL. The ESEA Amendments of 1969 established National and State councils for quality education as vehicles to provide National and State leadership to increase the quality of education available to American schoolchildren. This is a bill Senator Cooper and I have been pressing for some years. So far, no action has been taken in the executive branch to create the President's Advisory Council on Education.

I wonder if you had any view on that.

DR. MARLAND. If the law declares there be such a council, it would be the responsibility of the appropriate executive office to fulfill that law. I would expect to act accordingly.

If I heard you correctly to say that the establishment of an advisory council is the intent of that law, I would hasten to say I very strongly am in favor of advisory councils; properly led and supported, they do good work.

However, I don't think you solve problems by forming advisory councils. We have 22 in the Office of Education. A Commissioner's full-time job could be to keep in touch with them. I think we can provide overexpectation for the effectiveness of an advisory council if we don't watch out.

Senator PELL. I thank you.

Senator DOMINICK. I just want to say hallelujah to that answer. There are more than 22 advisory committees. There are something like 80.

Senator PELL. In Tuesday's Washington Post, there was a short article attributing to Secretary Richardson the comment that the administration is preparing a consolidation bill concerning some of the presently authorized education programs.

Are you familiar with this piece of legislation, and do you have any comments on it?

DR. MARLAND. I am familiar with the Secretary's view on this subject. It is an important and a very tender issue and one undoubtedly that the new Commissioner of Education will face. It derives from this problem, Senator Pell.

There are now prevailing, I believe, 178 different laws affecting education in the Office of Education. There are 107 or more different programs, formal, established legislative programs emanating from that Office.

There has been a great deal of confusion and disorder and I have to say waste of time, money, and energy at the local and State level to adapt to all of those laws and to take advantage of them. Coming one by one, these programs have accrued over the years to the point now where the Office is so overwhelmed with different laws, regulations, and guidelines, there is no wonder confusion exists in the U.S. Office and in the field as to how best to bring about efficiency.

One of the propositions that I think therefore Secretary Richardson will be advancing quite soon will be ways to bring before Congress rational and productive ways to group some of the present legislation to facilitate the execution of the will of Congress and particularly to reduce the cost and bring about greater efficiency in the application for and the distribution of moneys.

Senator PELL. I appreciate your answer. I think very often there can be a conflict between carrying out the will of the Congress and efficiency and reduction of cost. Sometimes the Congress wants a program to receive a certain emphasis and stay within a certain entity and this is where I can see some areas of discussion.

There has been comment in the past with respect to the fact that you have been a consultant to or associated with organizations that are potential contractors or grantees with the Office of Education. Any such award to such groups would be subject to review due to personal relationship.

How would you contemplate handling this?

Dr. MARLAND. I cited the relevant organizations in my report to the chairman and the chairman of the minority party of the committee. One would be the Institute for Educational Development, of which I am president and from which I would immediately resign if my nomination to this office is confirmed. In that case I would hope very much that that organization could continue to serve the government in constructive ways through contracts, but I would have no part whatsoever in those contracts. They would be administered by someone else and I would automatically exclude myself from them.

Another organization might be the merit scholarship program in Chicago, from which I will resign; college entrance examination board, from which I would resign; the Council for Economic Education, from which I would resign; National Educational Television, from which I would resign.

I would resign from virtually everything I belong to because I would have no time to do anything about them, anyway. I see no conflict in that regard and I have to assure you, sir, that my own belief about public funds would cause me to separate myself from anything that implied even a remote involvement with those organizations.

Senator PELL. I assure you there is nothing in your background that personally indicates the slightest thought of any dishonorable actions but I just felt this point should be brought out in the record.

(The following information was subsequently supplied for the record:)

United States Senate

COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

November 23, 1970

Dr. Sidney P. Marland, Jr.
Commissioner-Designate
U.S. Office of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Dr. Marland:

With relation to your appearance before the Committee on Labor and Public Welfare, I would greatly appreciate your replying to the attached questions so that the record on your nomination will be a full and complete one. As you will note, some of these questions have been submitted by the Rhode Island Federation of Teachers, who are most concerned about your nomination.

I would also request that you elaborate in considerable depth your answer to my question concerning consolidation, found on page 89 of the hearing transcript, discussing the specific programs being considered; and your answer to my question concerning conflict of interest found on page 90 of the hearing transcript, which is especially important when one recognizes the ultimate responsibility of the Commissioner of Education over each contract award made by the Department.

On a personal note, my I congratulate you on your appearance before the Committee.

Ever sincerely,

Claiborne Pell
Chairman
Subcommittee on Education

1970

December 1, 1970

Honorable Claiborne Pell
Chairman, Subcommittee on Education
Committee on Labor and Public Welfare
United States Senate
Washington, D.C.

Dear Senator Pell:

In response to your letter of November 23, 1970, I have developed three statements as follows:

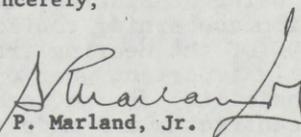
Answers to questions raised in your letter

Answers to questions raised by Rhode Island
Federation of Teachers

Answers to your separately cited questions
concerning relationships between the Office
of Education and Congress.

The responses are appended hereto, separated for your convenience. If I can amplify these statements in any way please call upon me.

Sincerely,


S. P. Marland, Jr.

Enclosures

Answers to questions in
Senator Pell's letter of November 23, 1970

1. CONSOLIDATION OF GRANTS

I can respond only in very general terms to this question, since I have not participated directly in any planning on this subject. Secretary Richardson has declared his interest in improving the system of delivering support and services, within the wide variety of authorities now prevailing. Speaking as a school administrator, I agree warmly with this objective.

As noted in my testimony there are now some 78 separate pieces of legislation affecting the Office of Education, and over 100 different programs in force. A large number of these programs fall under more general headings which conceivably could be a starting point for improving the delivery system, and increasing the efficiency of the Office of Education.

2. CONFLICT OF INTEREST

My testimony, both in my prepared statement and in my examination by the Committee, cited all possible agencies with which I might be found in conflict of interest. If confirmed, I shall resign from any such affiliations, and will insure that under no conditions will I be in a position to act upon Office of Education relationships with these agencies.

Anything further I might say on this subject would be repetitious of earlier testimony. If there are subtleties or oversights on my part in declaring my position on this subject, I would welcome further interrogation.

In short, I would not tolerate any form of special privilege or influence toward any agency dealing with the government, most of all those with which I have been connected.

Answers to Senator Pell's separately cited questions concerning relationships between the Office of Education and Congress

LIAISON WITH DHEW AND OFFICE OF EDUCATION

QUESTION

The Subcommittee on Education has had difficulty when working with the DHEW and the Office of Education in two areas.

Logistically, we have found it difficult to get necessary statistics in a timely manner. All too often the statistical material which buttressed the Administration's case arrived swiftly, while that supporting opposite views did not. Staff advises me that this situation has improved--I hope you will see to it that such improvement continues.

What makes working with the Department even more difficult is the question of whom to talk with on a day-to-day basis to find out what the Administration's policy is. I have directed the staff of the Education Subcommittee to work through the Office of the Assistant Secretary for Legislation (Charles Saunders, Acting) and the Office of Education--Office of Legislation (Dr. Al Alford). All too often, however, there are efforts from other Departmental Bureaus to circumvent these lines of communication. I will not go into the specifics, but do want to come to a clear understanding with you as to who speaks for the Department.

ANSWER

Let me deal with the two parts of your question separately.

- (1) I have discussed the question of providing information to your committee with staff members at OE and have emphasized that if I am confirmed the improvement you cite should continue. They have assured me there has never been any attempt to withhold or slow information supporting views opposite to the Administration, but that some of the delays which have occurred might make reasonable men think that is the case. The Office of Education has had extreme difficulty in developing a good system of

information gathering and reporting, a matter to which I plan to direct my attention. The Office has been faced with growing program responsibilities and declining salary and expense resources. Hopefully, this will change. I would fully expect to provide you with desired information on a timely basis.

- (2) I think that the instructions you have issued to your staff on the subject of liaison with OE are quite appropriate. I would expect Al Alford to speak for me on Office of Education legislative policy. He works closely with Charles Saunders and this should provide for Departmental policy expression where it has been enunciated. I would expect Al Alford and Charles Saunders to work with me and the Secretary where necessary to develop new policy or policy nuances. I do not favor the bypassing of these channels by other persons within the Bureaus and would appreciate knowing of such attempts so that we might deal with them.

As Commissioner, I certainly would want to provide you with all necessary information and the technical assistance you desire. Often, this will involve program people in the Bureaus but I would want such relationships coordinated through the Office of Legislation. This appears to be your desire and I believe we can work out arrangements to our mutual satisfaction without difficulty.

THEORY OF ADMINISTRATION PROPOSALSQUESTION

One of the stumbling blocks to Hill implementation of the Administration's proposals has been the uneasy feeling that they were designed by a cost accountant to fit a preconceived budget figure. We, instead, look at a subject area--be it impacted aid, student assistance, or library services--try to get the dimensions of the problems, design a program to meet these problems, and then work to get the funds to implement the program. Our approach appears somewhat more positive, and one that will ultimately accomplish more, while the Administration's past practices appear somewhat shortsighted, concerned with some mythical budget figure rather than meeting a problem. Will this type of approach continue?

ANSWER

You have raised a question which I could probably answer only after some experience in the job of Commissioner. Like you, my own inclinations are to look at educational problems in the broadest context possible and to develop solutions consistent in scale with the dimensions of the problem. I would hope that we can approach legislative needs in that same light as I have tried to do at local levels in the past. My brief exposures to Federal budget constraints, however, cause me to doubt that I would be able to divorce our legislative aspirations substantially from such constraints. Most of my life as a school executive has been marked by the same dilemma--the attempt to cut the educational coat to fit the tax resources cloth. If confirmed, I shall continue to seek Federal financial support consistent with the immense needs of our schools. I will endeavor to abide by the realities of the ultimate fiscal decisions even though resources will undoubtedly fall short of my hopes and recommendations.

Rhode Island Federation of Teachers A.F.T.

Affiliated with the AFL-CIO

DEMOCRACY IN EDUCATION • EDUCATION FOR DEMOCRACY

171 Pawtucket Avenue, Pawtucket, R. I. 02860

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QUESTIONS FOR DR. MARLAND

Since Dr. Marland has indicated to you in conversation that he no longer opposes collective bargaining for teachers, we would be very much interested in knowing if he actually supports teacher collective bargaining.

Is he philosophically committed to the concept of collective bargaining for teachers? or

Is his acceptance of collective bargaining merely resignation to a defacto situation?

If he were to indicate that he supports collective bargaining for teachers, we would like to know what has caused the change in attitude since his public position in Pittsburgh.

Would he introduce and support legislation; and/or establish policies which would strengthen bargaining rights for teachers?

Would he support legislation which would grant teachers the right to strike? Why or why not?

Would he support legislation which would grant teachers the right to strike when there is no danger to the public health and security? Why or why not?

Does he accept the use of ex parte injunctions against striking teachers?

What is his position with regard to teacher unionism as opposed to so-called "professional associations"?

What, specifically, is meant by the phrase, "closing the circle between education, industry, and government."?

What is to be the specific role of industry in this "closed circle"? We are particularly concerned with the introduction of a profit oriented, private concern into what has been historically a non-profit, public area which lacks adequate safeguards against those who would concern themselves with profits first and education second. In this regard, we feel that it is important to note the historic position of big business in many cases where the desire for profit has conflicted with the public welfare.

Does Dr. Marland advocate the continued use of performance contracts?

What specific function does he feel they play in the total educational structure?

To what extent does he favor replacing certified, teaching professionals with so-called "para-professionals"? This has been the case in areas where performance contracts have been introduced.

Assuming that such devices as performance contracts continue to be utilized by HEW, how would Dr. Marland treat his former associates in the "education industry" with regard to the awarding of such contracts? In particular we are concerned with both the potential for conflict-of-interest situations, and the possibility that Dr. Marland will become a spokesman for the education industry to the detriment of public education.

Answers to questions from
Rhode Island Federation of Teachers

1. QUESTIONS 1 - 3

I have stated that I am not opposed to bargaining between teachers and boards of education. I cannot say that I am an enthusiastic champion of the process. Over the years I have expressed serious philosophical concern as to whether government bodies could properly enter into a contract for the negotiation of public policy. I continue to hold these reservations, in spite of my acceptance of bargaining as a fact, and my readiness to work with good faith in a bargaining situation. In the swift evolution of the past five to ten years I have certainly modified my position on bargaining. It is a reality, a fact, and a process which school administrators must learn to work with constructively. I believe I have learned to do so. The change in my position, I imagine, reflects the corresponding change in the position of nearly all school administrators, from the days when bargaining was uncommon, and substantially rejected by formal resolutions of the National School Boards Association, the American Association of School Administrators, and to a degree the National Education Association.

2. QUESTION 4

It would be presumptuous for me to make a formal declaration in support of legislation designed to strengthen bargaining rights for teachers. Such a statement would be speculative and irresponsible, short of examining such concrete proposals and assessing the alternatives. As stated above, I have some concern on the rightness or wrongness of government bodies engaging in exclusive bargaining with public employees over public policy.

3. QUESTIONS 5 - 6

I am opposed to the use of the strike by teachers. I doubt that I could in good conscience support legislation on this subject. My reasons are cited in the paper I prepared at the request of Congressman Pucinski for the House Subcommittee on Education, with which you are familiar. The issue of public health and security is not germane to the question in my judgment. The resort to force by teachers, as a method of problem-solving, contradicts the proposition that schools and teachers should help children resolve problems through the creative use of intellect. Teachers should be models of this process, and seek better systems for the resolution of differences.

4. QUESTION 7

Injunctions against teacher organizations in my judgment appear not to be a satisfactory solution to the resolution of differences, culminating in strikes, or threats of strikes. However, as Commissioner of Education, I question whether my position on this subject is relevant. The processes of the courts are apart from the processes of education.

5. QUESTION 8

I have extremely high respect for teacher organizations, both the American Federation of Teachers and the National Education Association. If confirmed as Commissioner, I would work diligently and with equal treatment to engage both organizations in the affairs of education. Their participation in the decision-making process is essential to the progress of education at all levels of government. I have long been committed to the realistic involvement of teachers in policy formulation.

6. QUESTION 9

"Closing the circle between education, industry, and government" means affording services to facilitate the combining of resources to strengthen the schools. The phrase was conceived in 1965 by a number of educational leaders, including former Commissioner Howe at a time when Federal involvement in local educational affairs was beginning to be felt for the first time. Correspondingly, business, seeing a new opportunity for profit (as well as service) was searching for ways to engage more vigorously in education. The founders of the Institute for Educational Development saw the need for an objective, non-profit instrument to facilitate the unfamiliar engagement.

7. QUESTION 10

My written testimony on the subject of IED's connection with industry is appended. During the past five years of IED's existence, less than one percent of the dollar volume of its work has been performed for clients who sell goods or services to schools for profit. The vast majority of its work has been one of helping industry assist schools in other than profit-oriented contexts. IED has been engaged by the State of New Jersey to assist the schools in guarding against irregular or dubious profit-making enterprises.

8. QUESTIONS 11 - 12

I know very little about performance contracts. If they result in new and better methods of teaching, the substance of the new process should be quickly transferred to the main stream of teaching. I do not see performance contracting as taking over education. If at all, I see it as a method for testing new teaching methods and materials, not greatly different from the process of adopting textbooks, except that accountability is required.

9. QUESTION 13

I do not see para-professionals taking over the role of professional teachers. I have worked with para-professional concepts which provide technical aides to teachers not unlike aides to physicians and engineers. Properly employed, para-professionals can assume clerical and other non-professional tasks unsuited to the use of teacher time, freeing teachers for more professional work.

10. QUESTION 14

I have no close affiliations with any individual or concern engaged in performance contracting. I have no intention of being a spokesman for the "education industry." I have, for over 30 years been a teacher and school administrator, and I expect to remain so.

Senator PELL. Senator Dominick.

Senator DOMINICK. As a fellow refugee from Connecticut, I welcome you before this committee. I wish Senator Murphy were here to welcome you as another refugee from Connecticut.

I admired the skill and frankness with which you answered the questions that have been asked to date. Let me enlarge on just a couple of them.

I have been looking at the current posts and affiliations which you hold.

Is my understanding correct that in the event that you should be confirmed as Commissioner, which I hope you will, that you would then resign from those posts and affiliations?

Dr. MARLAND. All of them, sir, and I have so written, citing organizations, to Chairman Yarborough and Senator Javits.

PARAPROFESSIONAL TEACHING ASSISTANTS

Senator DOMINICK. The paraprofessional work that you did in Pittsburgh was of great interest to me. It seems to me that institutions should increasingly utilize paraprofessionals in the health field as well as in the educational field.

I would be interested if you would give me some idea as to how you went about recruiting for these very important jobs.

Dr. MARLAND. Essentially, our target areas were the inner cities, the most deprived areas, serving mostly black citizens. A school in that neighborhood would typically already have a line of communication to the families in that neighborhood, usually a fine line of communication and a trusting line of communication.

The principal of the school who might have been there 6, 8, 10, 12 years—in one case a principal had been there 30 years—had great faith and respect of the community he served. Given the authority to engage 30 paraprofessional personnel from a community serving, say, a junior high school in the hill district of Pittsburgh, that principal would be able to move about in that community.

First of all, he would know a number of those people, perhaps having had them as students in school. Furthermore, he would be able to identify them through churches and other community organizations, through community leaders.

We finally reached what I felt was a good arrangement where we had a council in each of the inner-city neighborhoods in Pittsburgh, of which there were three. These neighborhood councils would nominate people suitable for the paraprofessional role according to our criteria. They must be poor, for example.

Ideally, we wanted to try to get reasonably equal split among men and women. We couldn't get as many men. Ideally, we wanted them to either be mothers or be associated with small children, but these criteria were developed.

From a slate of suggested individuals and nominees, our staff would then interview people and select them for the school.

This system is working to this day.

I would add a question to what you have asked, and the question is: Is this a dead-end street for paraprofessionals?

I think it is an important thing and it was part of our strategy in encouraging them to come in. No, it is not. It means a person joining this group can continue to study himself. I have recently had the great joy of having some of the paraprofessionals that we identified 6 and 7 years ago in Pittsburgh write to me to say they had graduated from college and had completed course work necessary for teaching themselves, so there is an upward access here. To be sure, it is not yet in great volume but that mobility is part of the paraprofessional mode.

Senator DOMINICK. It is my understanding that the Pittsburgh paraprofessional program preceded teacher aide groups or Teacher Corps groups or any other groups created by Congress.

What did you use these paraprofessionals for?

Dr. MARLAND. There were many uses, such as assisting small children with their winter clothing, assisting in the milk and cookie break, assisting in the delivering of books and papers around the classroom, operating projectors and other audio-visual aids, mechanical processes that relieved the teacher of certain chores that would free the teacher for more professional work.

However, we soon learned that the mere presence of a paraprofessional in the classroom made a difference in terms of the attitude and behavior and the sense of well-being of children. She was far more than someone to take off rubber boots or pass out cookies.

There was quite a different role. It was a role unto itself, a role with more professional than nonprofessional characteristics even though the individual did not have professional credentials.

The person has to be a warm and loving person, has to know something about children, has to be patient, and those qualities are what made a difference in those classrooms.

Senator DOMINICK. Mr. Chairman, under the agreement, as I understand it, we are about to recess until tomorrow.

I have some more questions and I wondered if I can be recognized tomorrow morning.

Senator PELL. I will not be the chairman.

The record will show your questioning was interrupted.

Senator Schweiker, I understand you have some questions.

Senator SCHWEIKER. It won't take more than 5 minutes.

BROADENING COLLEGE BOARD EXAMINATIONS

The Washington Post carried a story November 3d relating to some changes you proposed in the composition and administration of the college board tests.

Would you explain your role in proposing these changes and your philosophy about the provisions of the college entrance exams?

Dr. MARLAND. About 3 years ago, Senator Schweiker, the college entrance board, itself, not the staff, adopted a new policy position which proved to be a very far-reaching statement. It named a body of people called the commission on tests, unrelated absolutely to the college board, to examine the current condition of testing in the United States and the tremendous influence exercised by the scholastic aptitude test as a screening device in our society. The commission was asked to take a look at the future and see what this has to say to the way our country is going and to the tremendous leverage that is

implied through the presence of the college entrance board as a social force quite apart from a testing agency.

There were about 12 of us named to that commission under the chairmanship of David Tietaman of Harvard, a psychologist. The membership was fairly wide-ranging. I was a member. It included such people as James Coleman, the psychologist and social scientist from Johns Hopkins, who had done such important research on learning and achievement.

It included people like Edgar Friedenberg, an arch critic of the schools and the testing system.

It included Ed Blocker from the junior college movement, a very able man especially in technical and vocational education, and John Hersey, the great novelist and member of the faculty at Yale.

These were people who took their job seriously, very seriously. I rarely served on a task force or committee or commission that worked as hard at its job as this one did.

Over the 3 years, each of us in his own way brought his judgment and his criticism and his concerns to bear on the question of what the college boards in the future should be like. I happen to have more than an ordinary bias on the subject of vocational-technical education which I may have revealed earlier this morning. I feel there is a great void in our land on this subject. There is a great derogation in our society of the man who works with his hands.

Senator SCHWEIKER. I certainly concur with your philosophy on that point, but go ahead.

Dr. MARLAND. I could go on on that. I get a little bit radical on the subject. It has always been my position that the college board represented a measure of excellence for our society which by the very fact of its presence said other people were not excellent. Students were divided along the lines of whether they took the college board examination or not.

I held there was a responsibility in our society and probably in the college board to give attention, prestige and national order to the arrangements for young people choosing the world of work as their career after high school or junior college rather than the regular 4-year college entrance arrangement.

I pressed hard and the committee ultimately was somewhat moved to accept the position that there should be a thorough examination of ways in which we can place equal importance on the vocational-technical arm of education and promote universal criteria for job entry at the conclusion of a respectable period of teaching and learning.

WHITE EXODUS FROM CITY SCHOOLS

Senator SCHWEIKER. Dr. Marland, I have another question. One of the problems you had as the Pittsburgh school superintendent was how to combat the exodus of middle-class white families from the city or from its schools. I know you were concerned about it while you were there.

Would you again explain your situation and what you attempted to do about that?

Dr. MARLAND. There was some of that. We are fortunately not blessed with as extreme an exodus as some cities. What helped stabilize

the situation was what we called the Pittsburgh scholarship program, starting at grade 4. All races were given various opportunities for advanced learning right on through high school with all of the concessions of advanced placement and so on, but we started what might be an advanced placement program in fourth grade.

We were big enough as a city that we could take advantage of this, whereas the smaller suburban communities could not do so because of their smallness. This helped some.

Another thing we attempted to do, which has not been feasible because of high cost, was to create education parks, great high school complexes. We would have had five. Plans for these are set aside at the moment. They would cost the city a quarter of a billion dollars to execute.

We hoped at one time funds might be engaged from model cities, from the State and as well as from local sources. The people of Pittsburgh voted something like 70 percent to 30 percent to support the maximum bond issue for this program but it was far from enough under the maximum authority to do it.

Nonetheless, this was an effort to stabilize the flight from the city by providing a degree of excellence, of such extraordinary quality in five very large, very comprehensive high schools, reduced to houses of about 1,400 students. Each had a whole range for the very, very gifted to the very modest learner and all of the range in between with an array of offerings that you could not possibly duplicate in a suburban setting. That was part of our strategy, too, and it was hoped that that might stay the white flight.

KEY PROBLEMS OF URBAN SCHOOLS

SENATOR SCHWEIKER. I realize this last question is a large one, so perhaps you can just give a few highlights. In view of your big city school experience, what do you think are the toughest problems that big urban school systems face today? What, in your judgment, are the ones we have to meet head on to really solve the urban school crisis?

DR. MARLAND. I mentioned earlier four of the great tasks before the Office of Education and I have to say they are probably the same as those facing the large cities; to restore trust in the schools with an increased amount of local involvement in the schools and city engaging more of the people in the affairs of policymaking. We need to do something to improve the home environment of children in deprived areas so we don't have continually the child coming to school with some deficits that the school is hard pressed to resolve.

All of these things relate back to research—how better to teach the deprived or minority child in the big city. We know what the problems are but we don't know what the answers are to the problem of why the inner city child is not learning.

All of this is tied up with drugs. It is frustration that has led to drug abuse, frustration that has led to misbehavior, hostility, vandalism in the schools, but I have to say the ultimate answer lies somewhere in the program.

We have not yet found the ways to bring fulfillment and human satisfaction to the learner. We have to work at it desperately hard.

I know of no other way except by research and development to find out what is working and build on it.

Finally, as to the big cities, and I know you have heard this many times, the great cities are desperately in need of money and they can't do more without money so long as two-thirds of their money is taken for other purposes; whereas the suburbs get two-thirds of what they need for school needs.

Senator SCHWEIKER. Those are all the questions I have.

Senator PELL. Thank you, Senator Schweiker.

There are one or two technical questions we will be sending down and we would hope you would respond to them before the record closes.

Dr. MARLAND. I will welcome them.

Senator PELL. Thank you.

This hearing then will recess until 10:30 tomorrow morning.

(Whereupon, at 12:45 p.m., the committee recessed, to reconvene at 10:30 a.m., Friday, November 20, 1970.)

NOMINATION

FRIDAY, NOVEMBER 20, 1970

U.S. SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The committee reconvened for the consideration of further business at 10:40 a.m., Senator Ralph W. Yarborough (chairman of the committee) presiding.

Present: Senators Yarborough, Randolph, Nelson, and Dominick.
Committee staff present: Robert O. Harris, staff director; Gene E. Godley, general counsel; Roy H. Millenson, minority staff director; and Eugene Mittelman, minority counsel.

The CHAIRMAN. I believe, Senator Dominick, at the time of the recess, you were questioning Dr. Marland.

Do you care to resume your questioning first?

Senator DOMINICK. Yes, Mr. Chairman, and I will keep mine brief because I know some of the other members have questions.

The CHAIRMAN. We felt this was an important nomination and for that reason I gave up other things I had set for this morning in order to continue the hearings.

SOLUTIONS TO ALCOHOL AND DRUG ABUSE BY EDUCATION

Senator DOMINICK. Dr. Marland, a number of us on this committee have been dealing with the alcohol and drug abuse problem throughout the country.

I would presume that some of your experiences in Darien, Winnetka, and Pittsburgh included problems of drug and alcohol abuse by students.

I wonder if you could tell me whether this was a problem when you were acting as superintendent in these various places and what, if anything, you were able to do about it.

STATEMENT OF SIDNEY P. MARLAND, JR., PH. D., NOMINEE TO BE COMMISSIONER OF EDUCATION

Dr. MARLAND. I would try, Senator, to separate alcohol abuse from drug abuse for purposes of responding. They are both important issues affecting education, but widespread drug abuse is a phenomenon of very recent time as you know.

Throughout most of the States of this country there are State regulations requiring the problems of alcohol use shall be taught in public schools as an element of the health or possibly science curriculum.

This has been done and I would have to say it has probably been done less attractively than it might be. It is one of those subjects that is very difficult to teach by classroom methods as distinct from teaching by either example or experience.

Education on the abuse of alcohol has been on the books in most States for a long time.

Turning to the drug problem, I have not directly as superintendent of schools encountered this, since it is within the past 2 years or so that it has been such a widespread phenomenon.

In the latter years of my work in Pittsburgh there was some indication of modest use of drugs in schools. In more recent years, since 1968, I have been working very closely with the New York City schools among other school systems.

The problem in New York is extremely critical. I have been closely associated with two inner city high schools in New York where the principals of those schools believe that up to a third or half of the young people in those schools are engaged in the use of drugs of one kind or another, and many of them in the use of what are known as hard drugs.

There is a very, very critical condition in the public schools in this country in terms of drug abuse.

I have attempted, in light of this new phenomenon and my own educational responsibility, to learn what methods seem best to respond to the problem in the schools. We know of no methods, Senator, that are responsive. We certainly know that lecturing is counter productive on the whole.

Senator DOMINICK. Lecturing is?

Dr. MARLAND. Yes; scolding, holier than thou approach, coming from an adult, whether it be parent, teacher, or guidance counselor seems not to be effective on this subject.

Having engaged in long deliberations with teachers and counselors very close to the children on this subject, a very able psychologist working with the New York City schools has had this to say when I have asked him why this phenomenon has grown so in the last 2 or 3 years.

What brings children to do this?

His answer is unalterable boredom, not only in the schools but in their lives. Therefore, in looking for a big fat generalization, the answer to the problem of drugs from the educators point of view is not solely the correction of their abuse but it is also the correction of the condition surrounding the child including the school environment—so that it satisfies him, fulfills him as a human being so that resort to drugs is unthinkable and unnecessary.

It seems it means we have to make life meaningful for young people. Senator Dominick, the one ray of hope that I have been able to discover in confronting this problem as an issue in education is that the best way of organizing to correct drug abuse is to do it through the young people themselves.

This does not necessarily mean the development of a former addict as a leader. That may or may not work. I am dubious about its regularized application. But when the youngsters make the decisions for themselves in the school or in the home, it seems then they will be most effective in leading others away from abuse.

This is a splendid opportunity for young people to serve society. There is a small model of this showing up in the public school system in Dallas.

There is a promising beginning of this kind of project in a school called James Monroe High School in New York City. There a group of young black people calling themselves the Brotherhood, working with an able counselor, have established an antidrug campaign in their school. It is working because they have decided it will work and nobody scolds anybody.

These are very deep issues and very deep questions for those of us who are teachers. We do not know the answers but we are greatly distressed with the present situations.

Senator DOMINICK. From your experience you would say this is a real problem and not one which has been fomented recently by people who are overly concerned?

Dr. MARLAND. It is a very, very real problem at the heart of education and at the very heart of our society.

Senator DOMINICK. Dr. Marland, in the process of your work at Pittsburgh with your paraprofessional people, do you have any input on information on drug abuse from these people concerning what was going on in the school?

Mr. MARLAND. With relation to drug abuse?

Senator DOMINICK. Yes.

Dr. MARLAND. I do not recall because at that time the drug phenomenon was barely emerging. I had no way of identifying its correction or its stimulation vis-a-vis the employment of paraprofessionals.

NEED FOR COMPENSATORY EDUCATION

Senator DOMINICK. Dr. Marland, in addition to being on the subcommittee on alcohol and drug abuse, I am also a member on the select committee of equal educational opportunity as are many other members of the Labor and Public Welfare Committee.

We received some testimony from some very prominent black people who are knowledgeable in the educational field. One particular witness felt that there are some situations where either because of the logistics, the economics, or sheer number of minority people involved it is going to be almost impossible to put these students in an integrated school system.

Have you been receiving any thoughts along this line from other people while you have been working with IED or with other groups?

Dr. MARLAND. I have, Senator Dominick. If you view, particularly, the large cities of this country and the changing demography of those cities, you will find a steadily increasing number of minority personnel so that they make up the majority of the school population.

This is true in Washington and Chicago, Philadelphia and Cleveland, Detroit. It is increasing. Our efforts toward integration in terms of stabilizing a school district or a school system show the future outlook to be very, very serious.

For example, I am just unable to comprehend how one would bring about integration in the Washington, D.C., schools.

There is a long term goal here that we should look at affirmatively. It may not occur in our lifetime. But if we are talking about integrat-

ing the schools in these very large cities with very high density of minority persons, we must look for ways to diffuse our population to remove the barriers to mobility that now contain people, especially poor people who are now virtually trapped in the heart of our cities.

Senator DOMINICK. I am glad you brought that point up. I have been and will continue to be a very strong supporter of free housing. I think that at least one of the solutions is to diffuse the population and thereby disseminate the number of minority people throughout the school system by means of a voluntary open housing program.

I cannot let this opportunity go by without mentioning a Federal court decision involving my own city of Denver under which students who had gone to one school in a minority area were transferred and sent to another school without any apparent rationale other than the arbitrary mixing of x number of minority students with x number of white students.

Almost within 3 weeks after the decision had gone into effect, the school was closed three times in a row because of the inability of the new students to get along in the new school to which they had been transferred against their will in many cases.

This is self-defeating, it would seem to me because, the purpose of schools is to enable children to get an education. I bring Denver's problem up, not for comment by you but simply to cite it as an example where we have created, not solved problems, and very bad problems, I might add.

The witness I cited before said he thought that what should be done in situations where you have a vast concentration—let's take Washington, D.C., for example—of minority students where it would seem not feasible to integrate any further, then the only reasonable solution would be to provide compensatory education, by which I assume he meant to put in more money to upgrade these schools.

We have had also a substantial amount of testimony to the effect that compensatory education does not do any good, that the addition of facilities and the addition of teachers does not solve the problem.

Do you have views as to whether compensatory education is a fruitful approach?

Dr. MARLAND. It is a very difficult area. I cannot offer any early solutions. Compensatory education became a fact in terms of legislation during what I consider a remarkable period in our educational history. This was the time when this Congress, with great bipartisan agreement, started what is now known as the Elementary and Secondary Education Act, which includes a very substantial element of compensatory education within it.

Compensatory education became effective truly about 3 or 4 years ago, in terms of its ability to reach the child in the city who needed it.

Even so it is still not reaching all of them by any means. We have attempted in 4 or 5 years—as you say without truly dramatic results—to change the educational environment for literally millions of children. We must realize that that added input when it reaches the local level only amounts to about 5 or 7 percent of the total costs of the schools. Nonetheless, these funds do provide leverage and properly concentrated they could provide much bigger leverage. Unfortunately, the common practice, and probably the necessary practice, for a board of education, when it receives a very large separate and discretionary

piece of money, to distribute it equally among all those entitled to it. If a third of the city is entitled to it, a third of it goes to those many thousands of children and schools and classrooms.

To that extent the added input makes a thin layer perhaps on an existing level of support but hardly adds enough to truly make a difference, I think in those communities where title I funds have been invested in depth on a limited basis, setting aside and neglecting many thousands of children eligible but at this stage inadequately supported, there have been good products from compensatory education.

We also have to say that behind these last 3 or 4 years that we have had title I of ESEA, there is a hundred years or more of neglect and very limited Federal support. Suddenly we are asked to make a substantial difference in 3 or 4 years. We have been pulling up the little plants by the roots to see if they are growing, I am afraid, and we don't find them growing very well under those conditions.

I say that compensatory education is now beginning to find some productive application. There will be evidence coming out of Detroit in 3 or 4 months which may show they have found some of the secrets of success, and there is evidence of some progress coming out of some of the California areas.

There are other examples of success that can be cited from research. Where these occur, the Office of Education should do everything in its power to concentrate the funds available on those things which seem to be working and which have proven valid in some situations and encourage their development vigorously to see if they can have broad applicability.

ENCOURAGE FINANCIAL SUPPORT FOR EDUCATION AT LOCAL LEVEL

Senator DOMINICK. I believe that over 70 percent of the school bond issues in the last year have been rejected by the local voters. This indicates that a good number of the voting citizens are sick and tired of paying more taxes to support schools which they don't think are doing the job.

What can we do to encourage greater financial responsibility at the local level? How do we get the citizens more involved with the idea that something should be done at the local level to try to support the schools that give their kids an education.

Dr. MARLAND. I am aware of the statistics and they are very distressing. They have to do with a comment I made yesterday on the large issues facing the Office of Education in the immediate future.

The first one I cited was to restore the trust of the American people in their public school system by improving the performance of the schools. It is a large subject on which I have no quick and simple answer. People are expecting more than the schools are able to produce. It is not solely a matter of what was an expectation 10 years ago; more is expected of the schools than a few years ago. We are not matching up in general to all of the expectations of our society.

We must reconcile what society expects and what the schools can do. We must do what we are expected to do better than we are now doing. There must be change and more responsiveness, more people must be engaged in the enterprise of education. This includes engagement of the resources of business as I mentioned yesterday, and of the poor in

helping to determine policies and develop judgments concerning education for the young people. This involvement is especially needed in the education of the poor ones who are not learning, for whom compensatory education has failed.

There must be a demonstrated effectiveness of our programs for our schools to earn back public trust. This will only come through very hard work, the application of feasible techniques discovered through research and a greater dedication to educating the children of poverty than we are now doing.

Senator DOMINICK. I hope you are right.

I have the feeling that the average citizens feel that just the reverse is true, that the schools are trying to do too much by way of sociological experiments and not spending enough time providing a classical education, teaching the three "Rs." This may be one of the reasons they are rejecting the financial support.

IMPACT EDUCATIONAL AID

I have a couple of other questions which are of some importance. Do I understand that if you should be confirmed the Office of Education, working with the secretary, will be developing a program to change the impacted area formula?

Dr. MARLAND. As I stated yesterday in response to a question, I am not intimately familiar with the impacted aid formula. When I was superintendent in Pittsburgh, the city had no access to such funds even though it was in desperate financial conditions, where as communities with far fewer fiscal needs did.

I feel it is very important to re-examine the present formula and to find ways to make it more equitable. I would say proudly your answer is yes, I would work with the Secretary to try to correct what appears to be an inequitable formula.

Senator DOMINICK. You are going to meet a good number of people who are going to be looking over your shoulder rather carefully as you work on this.

There are a number of communities, I know of personally, which are almost totally dependent on impact aid and they could not support the level of education they have now without it. So as I say, this is a very important and controversial area.

May I say one more thing, Mr. Chairman? In connection with impact aid, I think the record should show that I was one of the strong opponents of Senator Eagleton's bill to add public housing to the impacted area aid.

I did so on the grounds that wherever public housing is constructed, it is done so only by local choice and not the Federal Government. The migration to public housing is dissimilar to Federal installation impactation because the latter is constructed irrespective of local choice.

The CHAIRMAN. Dr. Marland, I asked you a question yesterday about the Deputy Associate Director of Adult Vocational Education and Technical Education. You said your information was that this position was now filled. I am informed that the Associate Director of Adult Education is now filled by Mr. Lee Hardin.

There may have been a misunderstanding between us. The place I asked about was not the Associate Commissioner of Education but the Deputy Associate Commissioner of Education. I am advised that had been occupied by Mr. John Ludington who has left.

Dr. MARLAND. I did misunderstand the question. I thought you were referring to the Associate Commissioner. I am not familiar with all of the vacancies in the Office of Education. I do know there is a vacancy in that particular position for which people are being considered at this time by Dr. Hardwick.

The CHAIRMAN. Would you place in that position a person with strong vocational technical expertise who could really do something to help forward vocational and technical education?

Dr. MARLAND. I would certainly attempt to find a person with the right credentials for a post as important as that. Certainly a person in that office should have the best of credentials for it. I have no information at this stage as to the specific credentials of the people under consideration.

I must assume they are strong in the field in which they are about to serve.

The CHAIRMAN. I recognize that the Commissioner of Education is not the President and that the White House guard, whoever the President is of whatever party often makes recommendations contrary to those made by a cabinet officer or a commissioner but we would hope, should you be confirmed, you will use your best influence and I will call on my colleague from Colorado to help on this.

I know he is very strong for adult vocational and technical education. There has been some discussion and we have heard a good bit over the country about the failure of compensatory education and it is ineffective.

Isn't it really, the real problem we have failed to fully fund that? If we fully funded what the Congress authorized would there not be far more success with compensatory education?

You mentioned when it gets out there how thin it is spread. Did you say 6 or 7 percent more averaging out over the country?

Dr. MARLAND. When it finally reaches the child that is so.

The CHAIRMAN. If the Bureau of the Budget lifted its barriers and roadblocks and the Congress voted to fully authorize full funding, it would have a better chance, would it not?

Dr. MARLAND. I am not sure what the authorization levels are but to the extent that further funds can be awarded for compensatory education, I warmly commend that. We now have some good evidence of things that are working in some cities. I would hope very much that we could increase the effectiveness of those programs by multiplying them throughout the country and deploying additional funds that become available on things that are truly working. I think that to put more funds out to do more of the same at this stage of the game is probably not very realistic. There are many cities where the program appears not to be working.

The CHAIRMAN. You do not think it would be realistic to fund that Elementary and Secondary Education Act?

Dr. MARLAND. I have to admit my ignorance as to how much money "full funding" means but I would say whatever additional money we get should be put into things we know will work. I am talking about

programs that have passed the experimental stage, so that we know they will truly produce results.

The CHAIRMAN. You have mentioned two or three cities where money has been concentrated instead of spread out over the whole district and in one or two schools since those districts have shown they know how, would you advocate concentrating that money in those few cities?

Dr. MARLAND. I don't think that would work very well.

The CHAIRMAN. I don't think it would either.

Dr. MARLAND. Let me restate my response because I did not state it clearly. In those few cities where things are working well and limited experiments have been carried out and have been productive, we would replicate them throughout the country. If something is working well in Detroit I would have to assert it would probably work just as well in Boston or San Francisco also.

The CHAIRMAN. You know from your experience with educational systems the difficulty the impacted aid involves. We have one area near Randolph Field in Texas. Except for a few little establishments around the fringe of the airbase there is not much in the way of schools.

This situation exists in many areas throughout the country. Since I have been on this committee, this law has been amended to extend the aid down to where the percentage of students in the school who are considered to be federally related is considered to be minuscule and that has resulted in some school districts receiving substantial amounts of money.

The Representatives in Congress representing those districts who had these major military and other Federal installations had so few votes that the people from rich, heavily populated areas with a smaller area of federally related children said if you don't cut us in we are going to abolish the whole impacted aid law.

So we have seen a watering down of impacted aid by rich districts putting into the same small percentages purely as a political thing to get enough support in Congress so the districts that had to have this money could survive.

I have seen it watered down over the years and changes have taken place. It has been a purely political thing.

I have one other thing. Yesterday I stated I had more questions. I have not gotten to those yet but I will ask one more and then yield the chair for a moment.

Yesterday in response to Senator Prouty's question about what the Federal Government should do about supporting higher education, you stated that you placed—that you believed that we need the support of the Federal Government and the greatest need for public support lies in giving equal access to the very poor.

You pointed out if a child was from a very poor family his chances of going to college was only 1 in 15 compared to the child with a family earning of over \$10,000.

On September 25, I introduced into the Congress and the Senate a bill to authorize a program providing 2 academic years of post-secondary education to all citizens of the United States prior to their reaching age 26.

I have made a statement with that. Three years ago, the State of California had in their public junior colleges 45 percent of all the students in public junior colleges in all of the 50 States.

They call it the 13 and 14 grades. That is what my bill aims at and I think if we can get this enacted into law it would be a long step forward. I congratulate you on your statement. I think it is not the prime need but it would make it so these students can go on to the junior colleges.

Sometimes we see the terms used interchangeably. I don't think they are technically interchangeable but they could do it, go on for two more grades and call it 13 and 14 grades or call it community or junior college.

I think the time has come when we must have two more free years of public education. I recall as I grew up, when I graduated from a little rural high school there were four girls to every boy in the place.

I went under stern pressure from my parents. You were considered lazy if you did not go to work at 15. I was one of only two boys who graduated. I went to Tyler High School the last year.

That was the biggest high school between Dallas and Arkansas. In that city only one out of every three graduates was a boy.

They dropped out because of the pressures of the economic system. With the automation the situation has changed.

In 20 years those figures have changed. Now we have had that 12-year standard since the late thirties. I think the time has come to raise our sights beyond 12 years of education and I think we now need to have 14 years.

I will ask the distinguished ranking member of this committee a distinguished educator and former college teacher, if he can take over and chair the committee.

I have an amendment on the floor to get more money for medical education which comes under health but it is educational, too. They are faced with one here in the District of Columbia closing their doors if they can't get more money. I have an amendment on the floor on this.

Senator RANDOLPH. Senator Mondale, will you pursue your questioning?

Senator MONDALE. Thank you, Mr. Chairman, and thank you, Senator Nelson for what I think is help. Dr. Marland, yesterday some questions were asked of you about integration and I think you said you thought it was beneficial.

I believe I am correct when I say both former Secretary Finch and Secretary Richardson and former Commissioner of Education, Mr. Allen, agreed that the President's emergency education act, should be amended to declare a national educational objective of quality integrated education.

Would you join with them in agreeing with that objective?

Dr. MARLAND. If I understand it correctly, Senator Mondale, I certainly would.

Senator MONDALE. What are the reasons that lead you to believe that that objective is essential to American education?

Dr. MARLAND. To begin with we are one people and as one people we should live together and work together and play together. We are still far from the truth of a society that respects all people as equals. One of the places where this respect should be learned is in the school-houses of this country. The white child has just as much to learn from this experience as the minority child, whether he is black, Puerto Rican, or Indian.

There is a great gap in understanding revealed, I am sure, in the dreadful clashes that have occurred in schools, as Senator Mondale has cited. I have lived with such clashes as a superintendent of schools of a big city. It is a very dreadful thing to face and I am not sure we are going to solve the problem quickly. Unless we start to solve it and have children early in their school years learn to know and respect each other, we are not going to be able to reconcile such differences among adults and remove the deep and abiding hostilities that affect our people. This is a great overriding educational concern as well as a social concern.

Senator MONDALE. In addition to the impact on attitudes of children which comes about by children going to school together, do you also believe that integration is fundamental to education in that from a learning standpoint, the disadvantaged children seem to do impressively pretty much better when they can attend school in a majority advantaged school system which is stable?

Dr. MARLAND. I believe this is true. Research evidence tends to support that position. My own experience with it suggests that Negro children will improve in their effectiveness as learners with an integrated facility and with an integrated faculty, and the white children will learn as well. I believe they will both learn better.

Senator MONDALE. Is it not the case where quality integrated schools exist that disadvantaged children have done remarkably better by way of improved cognitive learning schools than has been achieved in any of the known compensatory educational experiments in racially isolated situations?

Dr. MARLAND. I am not sure I can guarantee that the evidence so far in research would state that absolutely. I would say it is probably a fair assumption. It is one I would be willing to proceed on. I would say the present evidence, particularly that derived from the Coleman study, would say that children learn better in an integrated environment, especially black children. There have been challenges to some of the Coleman data and some of the treatment of the data, but I still think it is a reasonable assumption.

Senator MONDALE. In the President's March 4 message he said such data we have strongly suggests under the appropriate conditions racial integration in the classroom can be a significant factor in improving the quality of education for the disadvantaged.

The data strongly suggests also in order to have positive benefits of integration to be achieved the school must have a majority of children from environments that encourage learning.

Would you agree with that statement?

Dr. MARLAND. I do very definitely, and it pertains to the testimony I offered yesterday. It means that we think of the needs for the parents and family to learn so the environment for children can be improved.

Senator MONDALE. That being true, what steps do you think should be taken by your office to encourage the achievement of quality integrated education in the United States?

Dr. MARLAND. There are many forces now at work to reach that goal. One is the growth of very early childhood education which I endorse very warmly and have been a part of for some time. This effort attempts to reach the child about age 3 or 4 to help him compete

reasonably with more favored children by the time he reaches third grade. This includes programs like Headstart and Sesame Street.

Senator MONDALE. Could I interrupt just a moment because I think the examples you are giving are compensatory education. I believe in strong childhood efforts, too.

I am talking now about what steps can be taken through your office to encourage quality integrated education in our schools?

In other words, leading from our first thesis that quality integrated education is terribly important, what steps can be taken through your office to encourage that development?

As you know from your experience in Pittsburgh and elsewhere, it is probably the case that if anything there is more racial isolation today and more social and economic separation today than ever before and the trends are all in the direction opposite from that of quality integrated education, not all of them but I would say predominantly that is what is happening.

Dr. MARLAND. Let me start my answer over with the emphasis on integration. Among the things that the proposed emergency school assistance legislation is going to encourage is strong and vigorous leadership from the Office of Education that would point the way to models that can work. There are models that are working now.

Senator MONDALE. What are some models you encourage?

Dr. MARLAND. The Berkeley schools in California for example, and the effort now being made in Detroit introducing a major overall of the intercity district. This effort has been knocked down by legislation but has recently been restored by the courts. Pittsburgh is another illustration, perhaps not as dramatic as Detroit or Berkeley. There, an entire quadrant was regrouped and some 12 or 15 otherwise completely isolated black schools were all integrated within 1 year.

These things can be done elsewhere. Leadership is a vague term, I know, and it is filled with all manner of overtones, but the Office of Education must commit itself to leadership on this issue in rational ways. Plans will have to be employed, deploying dollars in a way which will make a difference.

Senator MONDALE. I think you also said yesterday reasonable busing to achieve this objective would have your support.

Dr. MARLAND. It does. I would call that busing designed by responsible local people and developed as a rational program within a city. Such programs might be quite different from one city to another.

Senator MONDALE. I notice you emphasized local yesterday, too. Does that mean you would in no way seek to influence a local school district in developing a plan for quality education which might include as one of its ingredients busing?

Dr. MARYLAND. I would certainly try to influence it, particularly through the provision of technical assistance. I would like to speak to the issue of technical assistance a minute because that does have to do with leadership of the Federal level. In the recent exercises that have been significant in the South, the Office of Education was able to send experts from Washington to assist local school districts in finding solutions to the dilemmas of desegregation and were welcome. Interestingly enough, some of the people who did this for the Office of Education found themselves not only willingly accepted but welcome because they did have some kind of talents that the people found helpful. In many cases, a feeling of mutual support between

Washington and the locality has replaced a relationship of some hostility.

In any case, this is one of the things that can be done to assist: technical assistance where experts go out and help the local people solve their desegregation problems.

Senator MONDALE. You would use the title IV act to provide technical assistance to achieve that end, and as I understood you would use the leadership potential of your office to encourage that end?

Dr. MARLAND. I would, and I would add another thing to the list of things the Federal Government can do to help; again I draw upon my experience as a large city superintendent.

We can help find ways to make the schools in the city or in the area affecting mixed populations so dramatically good as to insure that retention of the white families. This can be done with extras, including additional resources. We should make these schools so good while families will not run away. This can be a great help.

Senator MONDALE. Which is to say that your efforts will bear in mind the white plight problems?

Dr. MARLAND. We must.

Senator MONDALE. It is essential in achieving integration. Now would you use the title VI office as well to condition Federal assistance through OEO on the requirement that efforts be made to achieve quality integrated schools?

Dr. MARLAND. I must plead ignorance on what title VI means as opposed to title IV.

Senator MONDALE. Title IV is the key office. The title IV office is also administering the emergency funds which were granted, \$17 million, and presumably would administer the broader funds requested by the President under the Emergency Act which we are now trying to develop.

I understand that in a day or so there will be some reports that show these funds have gone to many school districts which have violated some of the provisions of the law, such as prohibitions giving funds to school districts which in turn have transferred property to segregated academies, have reduced their public level of effort and the rest.

Would you give me the same answer on the enforcement of the terms of the law with respect to that legislation as you did Senator Nelson with respect to other measures?

Dr. MARLAND. I think one of the responsibilities of the Office of Education is to execute the laws as conceived by Congress. I would say if there are violations or departures from agreements relating to the funding of emergency school assistance, I believe the Commissioner of Education has the option to withhold funds which are now distributed quarterly. If there is an apparent departure from the intent of the law or from the agreements reached in distributing the funds in the first place, those funds could be promptly halted.

Senator MONDALE. Rather than going further, I would ask you to give careful and prompt attention to the distribution of funds under that \$75 million program because I understood there are problems with it both in terms of the kinds of school districts that have been awarded funds and whether they are in compliance with the law and secondly the quality of some of the programs and thirdly the national scope of the effort.

The Congress is very concerned and I share that concern that this Nation's policies affecting race and ethnic integration should be national and not just regional. That view is expressed by law and I think I am fair in saying that very little of the funding has gone to school districts outside the South.

I would hope you could give some additional attention to that.

Dr. MARLAND. I have been where I could observe some of the work on the present distribution of funds under the original appropriation of \$75 million. I think it is noteworthy that the spirit of Congress in designing legislation to be carried out with dispatch has been followed. I am sure the speed with which this work had to be done caused some flaws in its administration.

I think one would have to say if it could have been done more slowly it would have been done more efficiently. When you act with that kind of speed, you have to allow for some error.

Senator MONDALE. As superintendent of Pittsburgh schools, you are a strong advocate of educational parks. As you know, this has been a concept that has been kicked around for a long time but the capital costs have been so great, some have had few educational parks. Would you support funding a few experimental educational parks?

Dr. MARLAND. I would with enthusiasm.

Senator MONDALE. This has been discussed but because of the capital costs it has not been tried.

Last month a report by the U.S. Civil Rights Commission indicated that there was a great deal of discrimination within Federal agencies regarding the hiring and promotion of blacks and other minority groups.

Are you willing to make a commitment to upgrade qualified minority personnel and to recruit additional minority personnel for your Department?

I would point out that this same report reported that there has never been a Mexican-American in a position higher than a bureau chief at the Office of Education.

The office of Education only employs eight-tenths of 1 percent Spanish-speaking surnamed people in positions of GS-9 and above. I would hope that this matter could be attended to. This is deeply resented by Mexican Americans and by other minorities and I think with a great deal of validity, that if this educational system is going to have their good will, if they are going to trust us, we have to trust them, and we have to be in a position to help control these programs as everyone else.

Dr. MARLAND. I agree with the proposition. While I have not dealt personally with Mexican-Americans as a group. I have dealt with other minorities. My record should make it clear that I have followed your suggestion.

Senator MONDALE. I have some other questions but I will wait my turn.

I want to make one point, however. We have in Minnesota one of the most effective regional educational laboratories in the Midwest. Just a few days ago, without any warning, they received a notice of termination.

The decision was not made by consulting with any of the members of the board which serve on the UNREL (?) board including several Congressmen of both political parties.

The review was made for four outsiders who spent 12 hours there who had never even evaluated any other laboratory and they just said they did not like it. I have never seen responsible educational institutions dealt with in that way.

We are all deeply concerned about it. This laboratory has done some very creative work in Indian education, education for the disadvantaged, some very creative work in trying to use the latest technology with computers and the rest to deal with compensatory educational problems and I don't know if you are personally familiar with that decision, but we have spent a good deal of time reviewing it, and I think it is a very dubious decision.

Are you familiar with it at all?

Dr. MARLAND. Lightly.

I happen to be on the board of another laboratory which has just been discontinued.

Senator MONDALE. I am not going to let you off the hook that easy. Some of these labs have had trouble for sometime. This particular lab has received nothing but high grades all the time and this is the first hint that there has been any problem.

There has been no effort to discuss it. Four outsiders spent hours, 12 hours, and the board was composed of people who never evaluated any other laboratory and just bang, that was it.

This deals with problems in Minnesota, Wisconsin, the Dakotas. I have never heard a word of criticism and I have heard a great deal of complimentary comments about this organization.

I think it really undermines the credibility of the Office of Education and its relationship with the educational community and in this case with the minorities that have been working so closely to operate in this manner.

Could I ask you to take a look at this problem and review it and give us the benefit of your judgment?

Dr. MARLAND. If I am confirmed, I am sure it will be a continuing problem.

Senator MONDALE. What was that?

Dr. MARLAND. If I am confirmed, I am sure the problem will still exist and I will be obliged to look at it.

Senator MONDALE. I am asking if you will review it and give it a fresh review.

Dr. MARLAND. I think I would be preempting action taken by a predecessor if this were declared absolutely.

Senator MONDALE. Are you saying you would not look at it?

Dr. MARLAND. No; I am saying the problem will still be there.

Senator MONDALE. It sure sounds like it.

Dr. MARLAND. I think to agree publicly that I will review the work of an officer who has already taken an action would be to imply a derogation of that person and I would consider that improper.

Senator MONDALE. I am not asking you to pass judgment. I am asking you if you will look at it and review it.

Dr. MARLAND. I will examine what was done. I am not sure that the subject can be reopened by a successor. I am speaking about Government protocol that I am not familiar with.

Senator MONDALE. It is funded through May, so there is time.

Thank you, Mr. Chairman.

Senator RANDOLPH. They are asking you, will you love the program in November as you would in May?

Before you complete your testimony, there could well be a question from the chairman or anyone in this committee, but I will raise it because I think it is of the utmost importance perhaps policywise within the administration. I recall very well on April 15, 1969, James Allen was before our committee.

He was, of course, the nominee not for one office but for two offices. I will go into that in just a moment. He came into his employment in the Federal Government on approximately the 1st of July 1969. I hope you will not feel it is too provincial for me to say I once taught James Allen in a college and his father was a president of an institution of higher learning where I was a member of the staff.

I consider him a very fine educator. And I think he made a valuable contribution to the positions he held in the Federal educational structure.

But now to the point. We complimented the administration for having Dr. Allen come before us for confirmation, not for one job but two jobs. The one job was Assistant Secretary of Health, Education, and Welfare. The second job was U.S. Commissioner of Education.

That is the way he was confirmed and those are the offices, the structure under an umbrella in which he served here. The administration is coming now with the successor to Dr. Allen with a different approach. You, Dr. Marland, are not being considered by this committee for these two positions but only for the U.S. Commissioner of Education.

I think that it will be of interest for the members of the committee to know why the change. You understand in effect there is a change and I think we would want to know the thinking of the administration in this departure.

Dr. MARLAND. The post of Assistant Secretary for Education emerged a few years ago. It is not in the law so far as I know nor in protocols surrounding education. Historically this country has established the Commissioner of Education in the law as the principal educational officer. When I was invited by Secretary Richardson to indicate whether I was willing to be nominated he indicated to me that he wanted to restore the Commissioner of Education as a pre-eminent officer in education. He was not disposed, at least at this time, to consider the Assistant Secretary for Education as a relevant office to that preeminence of the Commissioner. I accepted that. It is cleaner, it is simpler, it is historically right. The Assistant Secretary's role appeared to confuse rather than to clarify the function of the chief education officer.

I think that it is a clarification. I accept it happily. I don't find it in any way diminishing. Indeed, I find it somewhat enhancing the clarity and specifications of the office.

Senator RANDOLPH. Dr. Marland, perhaps at first thought I am inclined to agree with you but I did feel since the administration had changed its so called guidelines in reference to the job that you are presumably to hold that we wanted to know the background.

You feel insofar as you have stated to the committee this is the reason?

Dr. MARLAND. This is the reason. I am sure Secretary Richardson has made it abundantly clear he expects the Commissioner of Educa-

tion to be the preeminent officer reporting to him in education and he sees no other officer in government involved in that.

Senator RANDOLPH. Is there a deputy assistant in your plan?

Dr. MARLAND. There is.

Senator RANDOLPH. What would you feel the deputy's assistant duties would be? I am still a little in the questioning attitude because I am not clear on this point, but I do understand that you are thinking in terms of a deputy who would serve under you.

Dr. MARLAND. A deputy commissioner. I do see such and it is in the table of organization of the Office of Education. I would, of course, be in need of such a deputy.

Senator RANDOLPH. I have hesitated because my memory seemed to indicate that there was no such position filled under Dr. Allen.

Dr. MARLAND. That is right, sir. I would expect to fill it.

Senator RANDOLPH. Do you feel that in a sense he was drawing on two points of covering the assistant secretaryship and the Commissioner of Education with certain staff, perhaps merging within both?

You want to keep them with the clarity that you have indicated necessary to do the job?

Dr. MARLAND. Precisely. There will be one office, one chief and a staff surrounding that chief.

Senator RANDOLPH. I will say with a little more finality I think you are correct in this matter. I had, not perhaps qualms, but questions about this at the time that Dr. Allen came before us as the nominee of the administration.

I will not pursue the matter further but I think it very important that we clarify the role that the prior U.S. Commissioner of Education held and the role that you would hold because of the set of circumstances and the position for which you have been nominated.

Now a final observation and perhaps a question, Dr. Marland. I am essentially a believer in the smaller college and I do not underestimate the value of the large, multiuniversity and the work done there in graduate study.

I do not want to be misunderstood. But I am a very strong believer that the strength of our system of higher education is best served or better served by the smaller college.

That is in the so-called arts and sciences, not of course in graduate studies. I think as you go into this position I would naturally want to know your attitude, not as to size because that certainly is not the final criteria, but about 20 percent of the 7 million students who are enrolled in higher institutions of learning in this country are in the smaller colleges.

This would be maybe 1,500,000 or it could be perhaps 2 out of 5 who are in such institutions of learning here. We have above 500 or 600 of these colleges and universities smaller in size, perhaps 500 to 2,000 in size of these student bodies.

I am not asking special favors for these institutions but I am asking what you yourself will be thinking and desiring in the way of emphasis for aid flowing into these types of institutions which I have characterized as most valuable.

Dr. MARLAND. I agree they are most valuable. I agree much of the vitality of this country springs from the small liberal arts colleges. It is one of the most responsive institutions, particularly for creative

young people who have not yet determined what their vocations or professions will be.

Senator RANDOLPH. They have problems of financing.

Dr. MARLAND. They have exceptional problems of financing.

I still have a daughter in just such a college. I know of the financial circumstances of that college quite intimately as a father of a student who is pressed periodically for assistance.

Financial conditions in this kind of institution are particularly grave because, (a) it is generally private without public funds, (b) it is generally poorly endowed, and (c) it is often without wealthy patrons and alumni and does not have graduate schools to attract research and other funds either from foundations or government. So this kind of institution has more than an ordinary problem.

My feeling is one of respect and concern for those institutions. I would hope that when our funds are such that we can increase the effectiveness of distribution to colleges, these institutions will receive very serious consideration because of their unique situation.

Senator RANDOLPH. You will place a priority then as you have indicated on this type of institution in American higher education?

Dr. MARLAND. Very much so.

Senator RANDOLPH. The questions which have been raised in opposition to you, Dr. Marland, I understand from my colleagues that these have been at least partially responded to by you in testimony yesterday afternoon after I left and perhaps earlier today?

I refer to the AFL-CIO opposition.

Dr. MARLAND. I went over that with a statement yesterday, Senator, and as far as I know I answered all questions then prevailing.

I would be happy to answer further questions.

Senator RANDOLPH. Thank you very much.

I do feel, Dr. Marland, we will not want to drag the approval or at least the consideration of the approval of your nomination and its referral if it is approved in the committee to the Senate of the United States. I think this is a position that needs to be filled and very quickly.

I think we have had some difficulty with the administration in the filling of posts, very important posts. We had with—that with the Director of the U.S. Bureau of Mines, with months going by, with the new Coal Mine Safety Act on the books and no one to head it up.

You have good people in the Office of Education now but you are needed there, and I think these vacuums which occur for a period of months, and I must not be overly critical, but in bringing these nominees to the committee, I feel it is highly important that we act with speed and thoroughness. I have been very impressed with your presentation and responses here.

Senator NELSON. Dr. Marland, as you know, I am interested particularly in the Teacher Corps. I am interested in it because I am interested in seeing the infusion of new blood, new ideas, and innovation into the educational system as I am sure you are, too.

I am gravely concerned about the status of education throughout the country particularly at the primary and secondary levels. So, I admire your courage in being willing to accept the position of Commissioner and preside over a national education system which I think is a national disaster.

In a perverse sort of way it strikes me as a mark of sheer genius that we are able to spend on all education in this country \$56 billion a year and create a system which takes tens of thousands of lively, curious, fun-loving, 5-year-old kids each year and puts them into a system and succeed within 3 years in turning them off and blunting their curiosity and taking all of the fun out of learning.

I look at the schoolwork that my kids bring home and it turns me off so badly I don't look at it any more. I was reading a paper some time ago, a long mimeographed sheet containing many, many questions. You look through the book and put the answer on this mimeographed sheet. My son said to me "Daddy, how long is this Orinoco River?" I said, "Who cares?" He said, "the teacher cares." I think it was only the teacher who did care.

I think the system is a disaster and kids learn more during the first 5 years before they go to school than they learn in the next few years in the primary and secondary system.

It is encouraging that these problems are now more honestly recognized and that solutions are being proposed.

One innovation was the creation of the Teachers Corps. The concept was developed by myself and Ted Kennedy but independent people from all over the country have praised it.

President Johnson endorsed it, President Nixon endorsed it, educators have endorsed it, the Kerner commission endorsed it, the New York Times and Life magazine have written editorials and, most important, the Congress has increased its funding.

At the same time the Teachers Corps has been stuck administratively in the Bureau of Educational Personnel Development. I am sure they have very fine people in that Bureau but the Teachers Corps is a fifth wheel. In fact, on the organization chart, the Office of Education there are about 30 or 40 boxes, but the Teachers Corps is not even one of the 40.

Everybody who has followed the Teachers Corps knows that the Congress has repeatedly endorsed it, increased the appropriations and twice put language in committee reports which has not been followed by the Office of Education.

None of this is your fault. It happened under Commissioners under President Johnson as well as President Nixon. The Committee report was written in 1968, because we were concerned about what was happening to the Teachers Corps within the bureaucracy of the Office of Education. It was—and is—being squeezed to death and losing personnel. From my own personal knowledge of what goes on within the Office of Education, I know that the bureaucracy does not like it.

It is innovative. It has new ideas. It is an elite corps, that is its purpose. That is why the Congress created it. We put our concern about it in 1968 and in 1969 in the committee report language. The language is—I won't read it all but I will ask that all of the language be put in the record.

The opening line is "in drafting the Teachers Corps legislation in 1965, the committee took care to specify that the director would be equal in pay level to the then current rate for bureau chiefs. It was the committee's intention that the Teachers Corps be independent"—independent—"within the Office of Education reporting directly to the Commission." All three previous commissioners refused to do that.

Dr. MARLAND. You say they refused to do it?

Senator NELSON. Refused to do it. The Teacher Corps started out as a task force. Then it was attached to the Bureau of Elementary and Secondary Education and reported directly to the Commissioner.

Then 3 years ago it was stuck in the Bureau of Educational Personnel Development. There it has been squeezed and squeezed and squeezed ever since. As the Congress expanded its commitments to the Teacher Corps, the Office of Education contracted its commitment. As the people all over this Nation expanded their commitment to the Teacher Corps, the Office of Education contracted it.

I don't understand. We had Commissioner Howe before us discussing it, expressing grave concern and interest in the great vitality and creativity and value of the Teacher Corps. We were happy about that. Nothing happened.

We had Commissioner Allen before us. He expressed his commitment philosophically, politically, emotionally and the Teacher Corps continued to be squeezed.

It started out in 1967, with a staff of 75 people and it had \$11.9 million.

Now it has 42 people but it has gone from \$11 million to \$30 million. The possibility of personality conflict over the Teacher Corps in the Office has been raised. I think the cold hard fact is that it is not personality conflicts. It is simply that it is impossible to have a Corps of this kind stuck into a traditional bureaucracy where the commitment of the people in the bureaucracy is to something else.

The Teacher Corps is not a program that is in all schools of America. It is a program that is in a select group of schools. We have gotten reports that thick [indicating] from school administrators, school boards, teachers, saying what a marvelous thing it has been to have the Teacher Corps in their systems.

It has brought new ideas, innovations. It has given an opportunity for young people. The concept of the Teacher Corps was that we would recruit into the teaching profession young people who had no intention of teaching at all and had no intention of going through all those education courses that are so dull.

So they volunteered by the thousands. You have a huge backlog. Who are they? They are young kids who are willing to come in and make a commitment to the problems of America.

We are all making speeches saying let's give the kids a chance. Here we have a program that does the job—a program that is a proven success, both with the young college graduates and with the school systems. But what do we do?

Do we expand it, giving it every possible resource to carry on its task, to fulfill its potential? Well, Congress has tripled its budget in 4 years, but the Office of Education has cut its staff in half.

The statistics on the success of the program are astonishing; 86 percent of the Corps graduates stay in the teaching profession when they finish. Well, where do they go? Seventy percent stay in the ghetto schools. That is why they came in. They wanted to do something.

I am not saying teacher bureaucracies are any different than others. If you bring in a brand new idea to any bureaucracy it scares them to death. I am part of the bar association. You bring a new idea to the bar association they would find a precedent from the year 1200

saying we don't stand for new ideas. Bureaucracies are all like in that respect.

But the Teacher Corps is especially important. Here we have a chance to expand a program that will bring young people into deprived schools, well enough trained to do the job well. These are young people who by and large never intended to teach.

Here we have a program, a proven success, that makes it possible for schools and teacher training institutions to innovate—to change and improve in lasting ways the manner in which teachers are trained and children taught.

And we are just killing it. It won't do any good to change the director of the Bureau of Educational Personnel Development or Teacher Corps and leave them both in the same place because they are not oriented to the same mission.

So I think we have to do what the Congress said in the beginning. My question is: will you as commissioner do what the Congress has been asking and directing Commissioners to do for the last 5 years?

I have always taken the word of the Commissioners that they believed in the Teacher Corps, that they would follow the direction of Congress. If the Teacher Corps does not get the independence Congress has asked for it. I will be on the Senate floor. If we have to wait and ask for 6 months there won't be an education budget unless the Office of Education does what the Congress asks.

Now my question is will you do what the Congress has been asking the commissioner of education to do for the past 5 years?

It is a very short question I know.

Dr. MARLAND. I don't have a long answer. You have asked whether I would do what the law requires the Office of Education to do. I have said a number of times before this committee that I would accept the responsibility as nearly as I can of learning what the law is and enforcing it insofar as it affects educational policy and program in this country.

To the extent that my predecessors have failed so poorly to fulfill their statements as to what they would do about it, I am reluctant to say what I would do about their bad record until I know more about it.

I can assure you of this: I happen to have been one of the superintendents early involved in the whole proposition of discovering ways to identify bright, able people coming out of liberal arts training and grooming them for teaching. This was then being done through a master in arts in teaching. I believe in it very deeply. I also believe deeply in the Teacher Corps, having been in one of the cities where it was first launched. I know it works. I know it is good. I know it is effective. As to its management and bureaucratic structuring in the Office of Education, I can assure you I will examine these very thoroughly.

Senator NELSON. The problem is that, perhaps, the Congress was too considerate. Senator Dominick has raised the question many times. The Congress is too considerate of administrative problems of the Office of Education.

We did not specifically say you have to create a separate bureau and make it the Teacher Corps but we showed it as our intent that it have special treatment because it is special. But we did not want to tie their hands.

Therefore, legally, the Commissioner preceding you was not prohibited in trying to stick it down there in the bureaucracy. I am not suggesting they were deceitful with us. I am sure they were not. I know it is a huge job and a Commissioner must handle the most pressing matters first. The Teacher Corps is just a \$30 million program in a \$4 billion budget. I am not saying they were deceitful. I know and respect these people. The Corps just sort of gets lost. When it got lost for 3 years we put in committee language because we did not want to put it in the legislation itself.

We discussed it with Commissioner Howe. Nothing happened. We put language in the committee reports again in 1969. Again, nothing happened. If expressing our intent in report language is so ineffectual then my view is we ought to put it right in the statute.

Let me review a little bit of the record. The Teacher Corps was created in 1965. Over 40,000 have applied for 7,000 places in the program since 1966 and they work for a stipend, \$75 a week.

Eighty-six percent of the graduated corpsmen stay in education or related social service—over 70 percent in poverty school areas. You can't get teachers to go into poverty schools. They prefer the suburban schools with the swimming pools and the pretty trees.

These kids want to go in where they feel they can do something socially effective and important. I have a series of letters from various organizations in support of the Teacher Corps which I will ask to be printed in the record.

Here we have a program that is endorsed at the local level. It has the enthusiastic support from all sides. It meets two of the very most pressing needs of the Nation: Opportunity for young people and reform of education—and we don't do anything about it.

It ought to be a \$100, \$200, \$300 million program. It is an investment that should be expanded. I am frustrated and dismayed at the lack of action. I hope you will take a long look at it and address yourself to the problem of the Teacher Corps and now it ought to be implemented and how its effectiveness can be expanded and its independence restored to the status to which the Congress originally intended.

Thank you.

(The material referred to follows:)

FACT SHEET ON THE TEACHER CORPS

Background.—The Teacher Corps, authored by Senators Nelson and Kennedy, was passed by Congress in 1965.

Its purpose is to attract into poverty area teaching bright, able young people, and to help universities, schools, and communities innovate to improve the teaching available to children from poverty homes.

The program has been dramatically successful. During a time when many young people are turning away from government service in despair over 40,000 have applied for 7,000 places in the program since 1966.

86% of graduated corpsmen have stayed in education or related social service. Over 70% in poverty area schools.

The program has been praised by educators, heartily endorsed by the American Federation of Teachers, called the best bargain in American education in an editorial in LIFE magazine. The Kerner Commission recommended that it be expanded into a "major" domestic program.

In his campaign for the presidency, Richard M. Nixon said :

. . . we will seek . . . a national teacher corps which would bring carefully selected college and high school students into action as tutors in core city school . . .

This past April Congress added a Student Teacher Corps component—together with enlarged Indian Education and Corrections programs—to the basic Teacher Corps legislation. It increased its authorization from \$56 to \$100 million.

This year the Congress appropriated \$30.1 million for the Teacher Corps. The Problem.—But the Teacher Corps is in serious trouble in the Office of Education. As its responsibilities have dramatically increased over the past few years, its staff and its funds for operating expenses have dramatically decreased. This is because the Teacher Corps has been forced to operate as a division within a bureau in the office, instead of reporting directly to the Commissioner as Congress intended. Its staff has been reduced from 75 to 42 positions since 1966.

The intended independent status of the Teachers Corps is spelled out :

1. In the basic legislation where the salary of the director is placed at the level of a bureau chief.
2. In committee report language in both 1968 and 1969 . . . from the 1969 report :

“In drafting the Teacher Corps legislation in 1965 . . . it was the Committee’s intention that the Teacher Corps be independent within the Office of Education reporting directly to the Commissioner.”

With the latest restrictions on salary and expense spending in the Office of Education, the bureau in which the Teacher Corps is a division has been cut back 35%, but the Teacher Corps has been cut back over 50%, making it nearly impossible to operate the kind of intensively supported “Corps” style program envisaged by Congress.

[Excerpt from the Elementary and Secondary Education Report of 1969, S. Rept. 91-634]

STUDENT TEACHERS CORPS

Section 804 of the bill amends title V-B-1 of the Higher Education Act of 1965, which authorizes the Teacher Corps. The amendments—

- (1) authorize a new component, the Student Teacher Corps,
- (2) adjust the salary rate for members of the Teacher Corps, and
- (3) increase the authorization of appropriations for the program.

In recent years college students have volunteered by the tens of thousands for tutorial programs. However, these programs have often lacked the careful training, selection and integration into school programs and community life essential for success in teaching children from poverty homes.

A new movement has also begun that uses high school, junior high school, and in some cases even elementary school pupils from the higher grades in tutoring their younger school mates. Careful research shows that such tutorial programs are very successful, both for tutor and tutee.

These amendments are designed to provide an opportunity to expand these programs at the local level in conjunction with local Teacher Corps projects.

The Teacher Corps is a suitable vehicle because its present structure requires universities, school systems and community groups to work together in designing and operating innovative training and teaching program under local control.

Already a number of innovative programs involving both adult and young pupil tutors have been developed as part of ongoing Teacher Corps programs. This new legislation will provide the legislative authority necessary to carry on this work in the 80 projects now supported by the Teacher Corps and in the new projects that the increased authorization would make possible.

The amendment also increases the authorized ceiling for the pay of regular Teacher Corps members to \$90 a week. The present level of \$75 a week has been ruled taxable income by the Internal Revenue Service since Teacher Corps interns are paid by local schools systems (with 90% federal funds) for more than half time work. In several large cities the resulting take-home pay after deductions amounts to \$50 to \$60 a week. When Congress established the \$75 per week rate, the amount was thought to be comparable to the non-taxable stipends under other teacher training programs. It is not mandatory that all Teacher Corps interns should be paid at the higher rate, but in cases where the costs of living are high the Commissioner would have the discretion of reimbursing school systems for compensating teacher-interns at rates up to the higher figure.

With respect to compensation for the student tutors the amendment provides that tutors and instructional assistants shall be compensated at rates consistent with the practice under comparable work study programs.

[Excerpt from the Senate Committee on Labor and Public Welfare report on the Higher Education Amendments of 1968, S. Rept. 90-1387]

D—INDEPENDENT STATUS OF TEACHER CORPS

In drafting the Teacher Corps legislation in 1965, the committee took care to specify that the Director would be equal in pay level to the then current rate for bureau chiefs. It was the committee's intention that the Teacher Corps be independent within the Office of Education reporting directly to the Commissioner.

The committee intended that the Teacher Corps not be an ordinary teacher education program. It recognized that the Teacher Corps needed maximum possible independence and visibility if its full potential as a recruiter of new teachers and an innovator in teacher education was to be reached.

This is the way the program worked until this March when it was placed within the new Bureau of Education personnel development.

During the early years of the program, when funding was uncertain, the Teacher Corps was operated first as a Task Force and then was attached to the Bureau of Elementary and Secondary Education. The committee understands that during this period the Teacher Corps, in effect, reported directly to the Commissioner. Now, however, the committee understands that the Teacher Corps has been made an ordinary division of the new Bureau of Education Personnel Development.

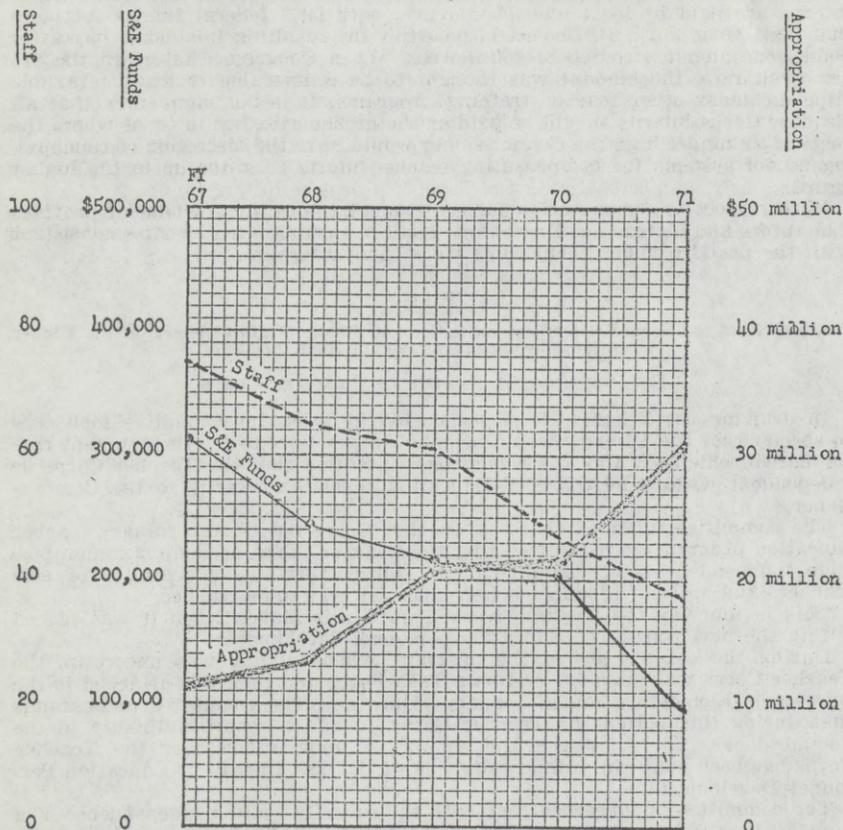
The committee is concerned that with the severely limited independence of a division in a bureau in the Office of Education much of the promise of the Teacher Corps as conceived by this committee may be lost.

COMPARISON OF THE OVERALL OFFICE OF EDUCATION AND TEACHER CORPS RESOURCES, 1967-71

	1967		1971	
	Office of Education	Teacher Corps	Office of Education	Teacher Corps
Appropriations.....	\$4,040,000.000	\$11,900,000	\$4,431,000.000	\$30,100,000
Staff	2,635	75	2,871	42
Salaries and expenses.....	\$35,500,000	\$315,000	\$45,164,000	\$97,000

Note: While the Office of Education overall budget increased only slightly, the Teacher Corp budget tripled. Yet during the same time the Teacher Corps staff has been cut in half and its S. & E. funds cut to $\frac{1}{3}$.

TEACHER CORPS APPROPRIATIONS,
SALARY AND EXPENSE ALLOTMENTS
AND STAFF, FY 1967-1971



THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N.Y., April 10, 1970.

Hon. ROBERT H. FINCH,
Secretary, Department of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: At this time, I would like to express my deep personal admiration and support for the National Teachers Corps.

In New York City, the 187 teacher corpsmen have performed invaluable services, often aiding children who had almost "given up" on the public school system. In these efforts, the corpsmen have far exceeded the narrow textbook definition of what teachers should be. For them, living and teaching seem to be contiguous.

The National Teachers Corps represents the kind of program and the range of attitudes and depth of commitment which must prevail if public urban education is going to meet the enormous challenges of our time.

Best wishes.

Sincerely,

JOHN V. LINDSAY, Mayor.

MEMORANDUM TO MR. CHARLES SHULTZ, TEACHER CORPS, FROM AMERICAN FEDERATION OF TEACHERS, RE ENDORSEMENT OF TEACHER CORPS, (SUBMITTED BY MR. CARL MEGEL, DIRECTOR OF LEGISLATION, AFT/AFL-CIO).

The American Federation of Teachers is proud of the fact that it was one of the original sponsors of the Teacher Corps legislation. The original legislation contained language suggested by our Legislative Department.

The American Federation of Teachers continuously advised the leadership of its various locals of the significant educational advantages derived from active participation in the Teacher Corps program. Reflecting the growing demand for participation of qualified persons, the AFT, at the national level has continuously supported increased Teacher Corps appropriation.

Even though the Teacher Corps has always been an impoverished department, the AFT applauds the success of the Teacher Corps in attracting qualified persons to teach in poverty schools. We will continue to urge the Congress to appropriate adequate funds for long overdue expansion of the Teacher Corps.

ENDORSEMENTS OF THE TEACHER CORPS

National Advisory Commission on Civil Disorders

"We need a major national effort to attract to the teaching profession, well-qualified and highly motivated young people and to equip them to work effectively with disadvantaged students. * * * The Teacher Corps should be expanded into a major national program."

President's Commission on Law Enforcement, Task Force on Juvenile Delinquency

"Programs such as the Teacher Corps seem useful for bringing new ideas and teaching methods into disadvantaged schools. * * * We recommend that the Teacher Corps be increased to an enrollment of 5,000 to 10,000 annually, and that the emphasis be broadened to include ancillary educational personnel as members of Teacher Corps teams."

National Advisory Council on the Education of Disadvantaged Children

"Of all present investments of public efforts, few are likely to yield so large a return."

Carnegie Commission on Higher Education

Report of March 2, 1970, titled "A Chance to Learn: An Action Agenda for Equal Opportunity in Higher Education."

"The classroom teacher is often an effective and persuasive influence upon a young student's attitude toward learning. A skillful and sensitive teacher can motivate students, identify and encourage those with potential ability, and make them aware of the accessibility and value of higher education. Higher education has a responsibility to train more teachers for such roles. Federal programs such as the Teacher Corps and the Educational Professionals Development Act that have recently attempted to revise and expand preparation for teaching the educationally disadvantaged are a good beginning.

"Prospective teachers must have a genuine concern for the problems of and difference among students from a broad range of socio-economic and ethnic backgrounds. Student teaching opportunities should be provided in areas which have educationally disadvantaged children. These internships should include out of classroom experiences with community agencies that are concerned with social work, public health, vocational education and law enforcement * * *"

American Association of State Colleges.—Hilton C. Buley, President

The Board of Directors of the American Association of State Colleges and Universities recently met in Washington and had the opportunity of hearing our Executive Director, Allen W. Ostar, discuss the Teacher Corps' present operation and its potential. At a time when higher education feels pressured even by forces who are genuinely supportive of our work, it is a pleasure to commend the administrator and staff of a federal program for a vital job being done well. As you know, most of the 268 member institutions of the Association had their origins as teacher training institutions. While their mandates have expanded greatly in the past two decades, they still remain teacher and teaching-oriented

and produce almost one-half of all secondary and elementary school teachers in the United States.

These facts alone would explain why we believe that the Teacher Corps provides a meaningful hope for directing the energies and ideals of young people in creative directions for purposeful results.

In less than four years, the Teacher Corps has made an impact on the thinking of educators which will make the future measurable impacts of the program far greater than had been imagined, even in the optimistic period of the Teacher Corps' conception.

While the guiding philosophy has been of importance, no doubt, the accessibility of the Teacher Corps staff and its willingness to develop the programs in a sense of partnership with the institutions involved have been major factors in the administrative success of the Teacher Corps.

National School Boards Association

The Teachers Corps is an example of the type of program which deserves strong legislative support. In a little less than four years, it has compiled a remarkable record. It has helped hard-pressed school districts introduce new staffing patterns and curriculums, and at the same time—within the same grant—it has assisted colleges and universities to undertake substantial reforms in the professional preparation of teachers. Teacher Corps programs have built strong new working bonds between the universities which produce teachers and the school systems which must use them. This, to my knowledge, is the only comprehensive Federal education program in that it draws all parties to education—the state agencies, the university, the school and its staff, school community and even the teacher-interns—into a partnership working together towards orderly change * * * .

Despite its accomplishments, the Teacher Corps has continuously suffered from inadequate funding.

The Association most strongly supports the \$30.8 million appropriation which the Administration requests for the Teacher Corps in fiscal year 1971. In fact, the figure should be at least \$35 million. This will enable it to have the forward funding necessary for orderly planning. It will enable the Teacher Corps to offer its services to additional school districts, and to states which until now have been unable to obtain programs because the level of funding and the formula for distributing Corps members have combined to exclude them; and it will enable the Teacher Corps to introduce new programs in tutoring, in corrections, and on Indian reservations.

If the Teacher Corps is ever to become more than just another small bureaucratic program, then it must be expanded in the coming years.

American Association of School Administrators.—Forrest E. Conner, Executive Secretary

The American Association of School Administrators sees in the Teacher Corps an opportunity for local school systems, colleges and universities, and communities to work together to plan and operate innovative programs in low-income-area schools. It also sees the Corps as an opportunity for dynamic young people to "do their thing" for community benefit within the framework of an established societal structure. As long as it continues to operate under local control, the Teacher Corps program has our support.

National Congress of American Indians.—Bruce A. Wilkie, Executive Director

The National Congress of American Indians wishes to support the Teacher Corps' request for \$30.8 million for Fiscal Year 1971. Teacher Corps teams have worked in schools serving Indian children since 1966 and without exception have been praised by the communities involved; this praise has included formal resolutions of support by the Navajo and Hopi tribal councils.

Teacher Corps interns, and team leaders have not merely taught in Indian schools, but have also sought to understand the special way of life of their pupils. Interns have learned to speak Navajo, Hopi and Winnebago—have studied tribal culture, have lived and shared life in many dusty communities.

Graduates of programs have remained in service in Indian schools, some as principals; a significant proportion of the interns in current programs are themselves Indian. And there is another feature of these programs which should be noted: every program was preceded by extensive planning involving the universities, the school districts, and the tribal groups. That is a major reason why Teacher Corps programs have been so well accepted by Indian students—

they are not imposed, but are developed to meet the special educational needs of Indians as they themselves perceive those needs.

New programs beginning this summer will involve Indian populations in Alaska, Montana, North Dakota and South Dakota, and in all of them a major purpose will be the preparation of young Indians for careers as teachers with their people.

Legislation included in the Elementary and Secondary Education Amendments of 1969 will enable the Teacher Corps to increase the number of interns and team leaders it may send to Indian schools. But that legislation will be a useless gesture if the Teacher Corps' requested appropriation is slashed again as it has been in the past.

The National Congress of American Indians feels that if there is to be a fulfillment of the promise of equality of educational opportunity for Indian children, then the Teacher Corps must receive, as a minimum, the full \$30.8 million which the Administration has recommended for Fiscal Year 1971.

Inter-Agency Committee on Mexican-American Affairs.—Martin G. Castillo, Chairman

We have reviewed the impact of Teacher Corps in the Spanish-speaking community and it is our conclusion and conviction that the program is uniquely effective in preparing teachers to service the educational needs of the Mexican-American child. We can unequivocally state our support of the qualitative relevance of your program to the Mexican-American.

Center for the Study of Crime, Delinquency and Corrections.—Southern Illinois University, Elmer H. Johnson, Acting Director

Corrections has greater needs for an improvement in the quality and quantity of education than any field of service for human beings. The extension of the Teacher Corps concept to prisoner education is particularly welcome among those prison experts who are greatly disturbed by the inadequacies of programs which are offered in the name of prisoner "rehabilitation." The extension is timely because of a current rising tide of discontent with traditional penal practices in general and a genuine search for fundamental reform.

Senator DOMINICK. I have just a couple more questions which hopefully will be fairly brief.

We have a bill before us, S. 3636 which deals with the student loan program particularly in higher education which would establish a secondary market for the loans which are made by the commercial banks. Do you favor that concept?

Dr. MARLAND. As I understand it, the intention of that proposed legislation is to remove from the operating budget the funds necessary to carry out the student assistance program and to encourage the conventional use of moneys as opposed to Federal budgeting and support. I do favor it to the extent it can reduce our obligations to put money into the budget, when they can be equally effectively derived elsewhere.

Senator NELSON. Could I interrupt a second? I want to say to the Commissioner, I have to go. I am cosponsoring an amendment with Senator Javits and I have to go up and find out what is in the amendment.

Dr. MARLAND. With all due respect from a Commissioner designate.

Senator DOMINICK. I just want to get back on this very complex problem of busing. I don't know if you happen to know what happened in my own city of Denver but let me give you a brief rundown to preface the story.

We had a board of education consisting of five members.

It was split 3 to 2 in favor of busing, redistricting. Two if I may say so were Republicans and ran for office for a program of no forced

busing. In a Democratic city they won 2 to 1. In our Spanish American area, they won 4 to 1. They broke even in the black area and won about 1 to 1 in the white area.

That changed the composition of the board from 3 to 2 in favor of forced busing to 3 to 2 against forced busing. The program for redistricting which was set up with rather massive busing requirements was reversed. The members who lost got together with some lawyers and filed suit before the Federal district court.

To prohibit the change in the programing and they were successful at least in part in that suit in the Federal district court. The transfer of students without mentioning the word busing was then put into effect. Following that, as I have already outlined to you, we have had one school closed 3 times, one time for as long as a week.

My question comes really to this extent. We have had in each one of our bills to date a prohibition against the use of Federal funds for busing of students to overcome racial imbalance. It strikes me we are dealing with two things here. One is the involuntary busing of students who do not want to go out of their area, whether they are black, Spanish speaking or white, and the other case where students would like to transfer out to another school on a voluntary basis.

Now did you have this problem, first, in Pittsburgh, and secondly how did you handle it if you did have one?

Dr. MARLAND. We did have the problem in Pittsburgh and it is a problem in virtually any big city. I think where you used the term forced busing that may be at the heart of the matter. I cited earlier in this hearing the need for the involvement of many people in designing such a program to bring about integration in a city. I am sure in some cities the bringing together of people for this is a very complicated, belabored and prolonged task. Nonetheless, this approach tends to work better than what is called forced busing. In forced busing, an authority such as a board of education, a superintendent of schools, or a State officer declares a solution and insists upon selling it.

I think the process is probably slower, Senator Dominick, but if the people concerned had been brought together through some kind of representative deliberations to work at a goal, that the problem can be constructively worked out. I am talking about a goal that I still find valid and right, equal educational opportunity with the expectation that children can and should live and work together of different races that the program can be constructively worked out.

You asked about Pittsburgh. Well, in one very substantial segment of the city integration was accomplished. It was not done without some substantial opposition, irritation, opposition and disorder for a little while, in spite of the fact that many people were involved in it. It is now working. A substantial number of schools are now integrated. Some modest busing is being used very rationally in terms of inner city distances, 2 or 3 miles.

The children are not critically displaced from their neighborhoods and it is working. I would have to say that the process needs the slow and deliberate involvement of many people and the understanding and commitment of many people to make it work well.

Senator DOMINICK. I have been told and I have no reason to doubt it, that there is one family in the South—I was told this by one of my colleagues who has five children—each one of those children being of a different age are apparently assigned to different schools.

She now has—the mother now has to get up about 5 o'clock in the morning to get them on the different bus schedules that go by and the school which they ordinarily could have gone into there their own neighborhood is considered very verboten.

There I find very, very hard to understand that and I am sure they find it very hard to understand.

Dr. MARLAND. This is what I would call the irrational and non-thoughtful type of planning that would lead to this type of distortion of a family.

Senator DOMINICK. What sort of input would the Commissioner of Education have for developing programs outside the South?

Dr. MARLAND. The Commissioner would have the same opportunity as I described to Senator Mondale earlier, namely: the persuasion that derives from Federal support of the program and from the technical resources of personnel skilled in this work and dedicated to finding solutions. There are examples from cities that are working from which we can help to derive replicable models. I think that is a real, a very real opportunity for the Commissioner of Education to exercise leadership. Up until recently I have underestimated this term technical assistance. I am beginning to respect it as a good way of fulfilling the very complicated task in finding ways of bringing about integration.

Senator DOMINICK. Thank you, Doctor. I think you have answered all the questions I care to put up at this time. I want to congratulate you on the answers you have been giving to very difficult and very complex matters.

Senator MONDALE. It is my opinion that the evidence is mounting dramatically that American education is in a profound crisis and for whatever the reason or reasons, millions of children simply are not getting a decent chance.

Here in the District of Columbia, the Nation's Capital, a recent survey showed that the average student here is 2.2 years behind his counterparts and 11 other large cities by the end of the sixth grade.

Some of the schools in the District when you test reading and arithmetic scores it is like trying to find the pulse on a dying man. It is that bad. We have testimony before the committee which I chaired from Hartford, Conn., that the poor black children who remain in the ghetto, in about 3 years, they sink so far that a fairly hopeful student body within about 3 years becomes candidates for subnormal institutions.

We have seen this kind of human destruction and failure throughout this country. I don't have to go into the special problems of Indian education. I was in Uvalde, Tex., and not one single Mexican-American had ever become a professional man in the history of that community and I guess they have been there for a hundred years.

A recent book referred to schools as mindless and joyless places. The problem is not just among the disadvantaged. But somehow the kids are getting turned off.

The middle class children are getting turned off. At least it is my personal opinion that dramatic new directions are needed.

As a matter of fact, I don't know where else we can turn. Those directions have to come from the office you are probably about to hold.

I am not being critical. As I would summarize your statement, you

don't see much hope in the higher funding strategy. You see great complications and delay in the integration strategy and one would predict that we are going—at least there are no dramatic changes that you are proposing at this time.

Of course, as you know, there are a number of proposed proposals around to try to shake up the system—proposals for community control, proposals for wide advisory or approval power by parental groups, neighborhood groups, community groups, proposals to provide poor parents with some sort of voucher system to provide some sort of outside compliance contracts, all sorts of ideas of these types are going to be proposed, and I think they all have their genesis in their frustrations I am talking about.

This is a speech but I wish you would respond to it. I somehow feel that we are in sort of a never never land here. Disaster is being visited upon these children, yet so little seems to be at hand to change it.

Would you respond to that?

Dr. MARLAND. There is no question as to the graveness of the conditions in our elementary and secondary schools, and for that matter our colleges and universities in terms of the poor and the minorities who are not learning. There is no question as to the inadequacy of the present system.

There are as you say a number of ideas circulating that may be useful. If you are looking for answers from the Commissioner designate that are suddenly going to solve these things, I would have to say I do not have the answers. If I had them I would have put them to work long before this time. You have a commitment to finding answers. As to ways to move, yes, we should try any reasonable idea. Such as more community control which I do respect and have been involved with for some time.

The involvement of industry to help make learning real should be tried. Some of the newer things such as performance contracting, should be tried, providing the performance contracting can lead to a change in the school and teachers have a part in it and have a part in exploiting the successes and put them to work. I give you whatever commitment a human being can possibly give to devoting all my energies to finding answers.

Senator MONDALE. As you know, this morning the new superintendent of schools here said he did not think there was any chance they would implement the reading program under the present structure. If a system can't teach children to read and to count, don't we have a radical situation?

Don't we have a revolutionary problem in our society?

In this Nation's capital can't we teach children to read and count? Isn't this a disaster of unprecedented proportions?

Dr. MARLAND. I agree we have.

Senator MONDALE. Thank you very much. We will now stand in recess until December 1.

(Whereupon, at 12:45 p.m. the hearing recessed, to reconvene December 1, 1970.)

NOMINATION

TUESDAY, DECEMBER 1, 1970

U.S. SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The committee met at 10:15 a.m., pursuant to recess, in Room 4232, New Senate Office Building, Senator Ralph W. Yarborough (chairman of the committee) presiding.

Present: Senators Yarborough, Mondale, Stevenson, Javits, and Saxbe.

Committee staff present: Robert O. Harris, staff director; Gene E. Godley, general counsel; Roy H. Millenson, minority staff director; and Eugene Mittelman, minority counsel.

The CHAIRMAN. The Committee on Labor and Public Welfare will come to order.

The hearings will resume on the nomination of Dr. Sidney P. Marland, Jr., to be the U.S. Commissioner of Education.

The witnesses this morning slated to be here are the Honorable George Meany, president of the AFL-CIO, and Mr. David Selden, president of the American Federation of Teachers. I have been advised, the first witness, Mr. George Meany, was detained in another matter and could not be here. He will be represented by Mr. Andrew Biemiller, legislative representative of the AFL-CIO, and Mr. Walter Davis.

The committee's ranking majority member, Senator Jennings Randolph of West Virginia, greatly interested in education, expresses his regrets that he can't be here. He is presiding over another hearing, and except for that hearing, he would be here.

Mr. Biemiller, we have known you for years. You have been a Member of Congress before you accepted your present role, and as a former Member of Congress, you know all of the customs and traditions and protocols of Congress, and you have abided by all of them in your position.

I may not have the privilege of hearing you again here. I have heard you many times in the 13 years—this month makes 13 years that I have been a member of the Labor and Public Welfare Committee.

I want to commend you for the great sense of propriety with which you have conducted yourself as legislative representative. I think your past services in Congress has been of great benefit to you and to the organization you represent in that respect, that you have demeaned yourself in the highest tradition of public service and carried that position over after leaving Congress to your present position.

We will be glad to hear you.

STATEMENT OF ANDREW BIEMILLER, LEGISLATIVE REPRESENTATIVE, AFL-CIO; ACCOMPANIED BY WALTER DAVIS, DIRECTOR, DEPARTMENT OF EDUCATION, AFL-CIO

Mr. BIEMILLER. Thank you very much, Mr. Chairman. May I simply say we regret also we will not be appearing in front of you in the years ahead.

As you stated, President Meany unfortunately has a problem that detained him and asked me to present his statement on behalf of the AFL-CIO.

Also as you stated, I am accompanied by Mr. Walter Davis, who is the director of the department of education of the AFL-CIO.

Mr. Chairman, we appear today in opposition to the nomination of Sidney P. Marland, Jr., to be U.S. Commissioner of Education.

We believe we come before this committee with good credentials of concern and involvement in the history of public education in the United States.

The labor movement's commitment to education stems from the early 19th century. Since that time our basic belief has not changed. The demands and responsibilities of a democratic society make it imperative that all citizens receive a good education.

Organized labor's support for universal free public education of the highest quality has brought us before this committee many times.

This dedication to public education requires more than congressional testimony. It involves the many hours spent by the hundreds of union members who serve on school boards throughout the country.

Local and State labor bodies have worked tirelessly to win better financial support for the schools.

From this history of demonstrated concern, we feel compelled to testify today against this nomination.

What this committee is considering in these hearings is the nomination of a man to be Commissioner of Education—the Nation's chief educator.

If Dr. Marland is confirmed, then this committee is giving its stamp of approval to the education policy of this administration with which we are in complete disagreement.

The CHAIRMAN. Mr. Biemiller, will you pause a moment there before you go further. I want to comment just a moment on what you have said about labor's support of public free education and pay tribute to the fact that in the 1840's and along in those early years when public free education was being advocated by Horace Mann and others were stoutly opposed to this in America as being socialistic and making people who had no children pay taxes to educate those who had children, in those years organized labor—prohibited in many States—organized labor put its shoulder to the wheel for free public education in America.

It was the one organized force in our society that pleaded for free education. Organized labor was responsible for bringing about the beginnings of this free public education for everybody, which is the envy of educators all over the world. I pay tribute to what labor did to bring it about.

Mr. BIEMILLER. Thank you, sir.

Mr. Marland's answers to committee questions have raised a new question. What type of person should serve as the Nation's chief educator?

We in the AFL-CIO believe that person must rise above all doubt to his impartiality.

We believe he must be in tune with the times.

We believe he must be a person who recognizes the vast changes that have taken place in teacher-administrator relationships.

We believe he should not be tied closely to any one group—private enterprise or labor.

On the basis of these standards, the AFL-CIO believes Sidney P. Marland, Jr., should not become Commissioner of Education.

In ordinary times, the nomination of a Commissioner of Education is, regrettably, a somewhat routine matter. But these are not ordinary times. There is a crisis in education today.

And it is our belief that Mr. Marland does not measure up to the needs of the times.

We would like to go over with you the record of Sidney Marland. At this time, we would like to submit for inclusion into the record a report by our Education Department entitled "The Case Against Sidney P. Marland, Jr." This carefully researched document details many reasons for which the AFL-CIO opposes this nomination.

The CHAIRMAN. The document will be inserted in the record at this point.

(The document referred to follows:)

AFL-CIO Department of Education
 815 16th Street, N.W.
 Washington, D.C. 20006
 202-293-5141
 November 18, 1970

THE CASE AGAINST SIDNEY P. MARLAND, JR.

President Nixon has nominated Sidney P. Marland, Jr., president of the Institute for Educational Development, for United States Commissioner of Education.

The AFL-CIO places great importance on the office of Commissioner of Education and has endeavored over the years to make that office the focus of increasing federal support for American education.

In reviewing Marland's qualifications for the office, the AFL-CIO speaks from a background of more than a century and a half of demonstrated concern by the labor movement for the public schools.

Early in the nineteenth century, unions became convinced that the responsibilities of a democratic society made it imperative that all citizens be educated. The Workingmen's Party, organized in New York in 1829, included as one of its principal planks, a demand for a school system "that shall unite under the same roof the children of the poor man and the rich, the widow's charge and the orphan, where the road to distinction shall be superior industry, virtue and acquirement without reference to descent."

From that time on, organized labor has never wavered in its support for universal free public education of the highest quality.

Union members serve on hundreds of school boards throughout the nation; local and state labor bodies have worked tirelessly to win better financial support for the schools, and nationally organized labor has been one of the most effective advocates of federal support for the public schools.

The AFL-CIO therefore approaches the question of a new Commissioner of Education not as a matter of casual concern but rather as a matter of conscience growing out of our deep historic commitment to public education. It was as a result of that commitment that the AFL-CIO Executive Council, meeting in Chicago on August 5, 1970, unanimously adopted a statement opposing the possible nomination of Marland as Commissioner of Education.

"If the President were to make such an ill-advised nomination," the statement concluded, "we will oppose confirmation by the Senate." President Nixon did nominate Marland on September 22, 1970.

On the basis of Marland's record, his beliefs and his association with industry seeking to profit from the public schools, President George Meany, on behalf of the AFL-CIO, issued the following public statement on September 23, 1970:

It is unfortunate that President Nixon has nominated Sidney P. Marland, Jr. as United States Commissioner of Education. We do not consider him fit to fill that position. His nomination is both an affront to the entire teaching profession and a threat to the future of public education.

Marland has been closely associated with the business community and throughout his entire professional career he has been an outspoken enemy of the right of teachers to join together in organizations of their own choosing.

In Connecticut and Illinois, as well as in Pittsburgh, Dr. Marland took an uncompromising position against unions for teachers. With blunt impartiality, Marland opposed both the American Federation of Teachers and the National Education Association, saying, "In Pittsburgh, we have accepted neither the NEA nor the Union as such. There is no bargaining and no negotiating." As recently as April of this year, Dr. Marland urged Congress to enact federal anti-strike legislation for teachers.

Even more alarming than Dr. Marland's opposition to the rights of teachers to bargain through the organization of their choice is his close relationship to industrial leaders who are greedy for a share of the education dollar. As president of the Institute for Educational Development, Marland has worked to "close the circle between education, industry and government," even suggesting to Congress that tax incentives be devised to further this goal.

We intend to fight this nomination vigorously when it comes before the Senate for confirmation.

The AFL-CIO is pressing its fight against Senate confirmation of the Marland appointment. There are two principal reasons for this opposition:

- 1) Marland is an outspoken enemy of collective bargaining rights for teachers.
- 2) He has been closely related to the education-industrial complex, which raises doubts as to his objectivity in dispensing federal funds for education.

I. MARLAND AND COLLECTIVE BARGAINING

The AFL-CIO supports collective bargaining rights for teachers not simply because unionism is beneficial for teachers but because it is beneficial to the schools.

A resolution adopted by the 1967 convention of the AFL-CIO states:

Schools will only be able to meet the requirements of modern democratic society by themselves becoming democratic institutions. School administrators, the community and the teachers must become partners in educational planning and educational decision-making. The growth of teacher unionism under the American Federation of Teachers and the spread of collective bargaining across the nation have done a great deal to improve the status of the teachers, but even more important, they have improved the quality of education by making use of the classroom experience and the creative imagination of teachers in developing educational plans and programs.

By organizing unions, teachers provide a practical demonstration of democracy for the children in their classrooms. Marland, through his opposition to unions, opposes the very democratic process which he should teach.

A. Pittsburgh

As Superintendent of Schools in Pittsburgh, Marland had established a reputation as a spokesman for progressive and innovative educators. It therefore came as a shock to the educational community when, in 1966, he took an uncompromising position against the right of teachers to organize for purposes of collective bargaining or even the right of teachers to vote on whether they wished to be represented by an organization of their choice.

Now that Marland is seeking federal appointment, he is attempting to play down his past opposition to collective bargaining. An Associated Press dispatch of August 19, 1970, states: "Marland said in an interview he merely told unions that state law forbade him to bargain exclusively with any one teacher organization." (1)

Actually Marland's opposition to teacher bargaining was a matter of principle with him and the views which he expressed during the organizing efforts of Pittsburgh teachers were views which he had held throughout his professional career.

On September 1, 1966, Marland addressed the Pittsburgh teachers by television:

I do not intend to lead these schools by counting ballots, and I do not intend to be a party to the swift decline of teachers' freedom into collectivism in big cities. For labor, yes; for the skilled and unskilled, who need a collective voice, yes, but for teaching, of all professions, there has to be a better way. We are champions of the individual by definition. We must preserve individuality for ourselves. We have, I hope, in Pittsburgh leaped beyond the negotiation phase in the evolution of professional dignity for teachers. (2)

Marland was not simply opposing the American Federation of Teachers; he attacked the National Education Association with equal fervor, saying, "The techniques as between the NEA organizations and the AFT organizations have been essentially the same."

Marland concluded by threatening, "I would rather switch than fight," a comment generally interpreted to mean that he would resign as superintendent rather than bargain with a teachers' organization. The Pittsburgh Press, for example, reported on Marland's speech with a lead paragraph reading:

Pittsburgh's superintendent of schools said today he would resign rather than be pitted against teachers in collective bargaining. (3)

B. The Continuing Attack

Marland continued his attacks upon teachers' organizations. In January, 1967, the Pittsburgh Post Gazette reported on a Marland speech at a meeting in the Press Club:

Unionization of school teachers by the AFL-CIO has brought about a deterioration of the teaching profession, the superintendent of Pittsburgh Public Schools said yesterday. (4)

As a matter of fact, the clearest and fullest statement of opposition to teacher representation which Marland made while superintendent of Pittsburgh schools was not made in that city but in Columbus, Ohio, where he was addressing a symposium sponsored by the State Board of Education of Ohio and the Northeast Region of the National Association of State Boards of Education. In this speech, given in December, 1966, Marland again assailed both the American Federation of Teachers and the National Education Association:

The most dramatic and significant force in the big cities is the swiftly emerging strength of the labor movement. The faculties of the big cities are now broadly unionized in America. Boards of education are committed to a course of bargaining in virtually all matters pertaining to teaching and learning.

Whether we accept the idea of organized labor in industry or not, we know it is here to stay -- in my judgment rightly so, for the good of both parties and for the good of society as it relates to industry. Admitting my bias as a teacher, I am compelled to point up some basic concerns over labor's success in winning support of many urban teachers. Big labor with its muscle, money and know-how has undertaken the task of organizing teachers in the big cities. This creates a three-way conflict, the adversaries being the National Education Association, the board of education, and the labor movement.

Boards of education are different from corporate boards in industry and that's the fundamental difference to which I would lift my voice in opposing the conventional labor movement in the teaching profession. Boards of education are the people; they are society. They have been established in the laws very specifically state by state, and they have been given very specific responsibilities. Our American design for control of the schools by the people is at the headwaters of our system of freedom. Public schools historically and literally are the chief instrument for our society as it seeks ever-increasing freedom for all through equality of opportunity. Still far from perfect, the design has served our people well and shows promise of increased effectiveness in the future if maintained.

The essence of the labor movement in our schools is that the establishment of school policies and programs, declared by law to be the responsibility of the people through the board of education, is now to be negotiated. This is the largest threat to the American design for free schools that I know of. It removes the school from the authority of the people and conceives of the process of policy determination as being up for grabs.

Given an honest and reasonable and representative board of education and given a body of professional staff who are worthy of their art and science, there is no significant and continuing conflict between the two parties. Both parties, each in its own way, are concerned with the optimum fulfillment of each child in those schools. There's no basic conflict, unless by repetitious and skillful union declarations the notion becomes a self-confirming hypothesis that boards and teachers must quarrel, and indeed, both parties do drift into the permanent posture of adversaries.

More conciliatory in style and more conscious of the responsibility of the superintendent and the board, the NEA has nevertheless formally and officially declared itself for the process of negotiated policy.

What does the chief executive of the big city schools do about this? Does he default and let either the union or the professional association take over? Does he hold to one and reject the other? Does he pretend there is no issue, that he is such a good leader that his teachers won't do this to him?

I know that boards of education and superintendents are not blameless in this rebellion. Unenlightened management, including intransigent boards and superintendents, has for too long given only lip service to freedom for the public school teacher and has held firmly to autocratic decision-making, offensive to the dignity of professional people. Professionals cannot be subservient.

In Pittsburgh, we have accepted neither the NEA nor the union as such. There is no bargaining or negotiating. We believe we have a better course of action for teachers as well as for the people; we call it the "Professional Advisory Commission." It is a body of 15 teachers, elected by their colleagues, who meet monthly or more often with the superintendent. It is working today. It could be destroyed tomorrow either by the union or the NEA. But the teacher in Pittsburgh does not need to turn to the union or the NEA to struggle for a right to share in his own destiny. That right and indeed that responsibility have been declared by the boards of education and the machinery has been contrived for its fulfillment.

Our position is that no good solutions in education come about either for teachers or children from deliberations in which one party holds a pistol to the other. That is what has happened in the big cities of our land. That is what's tragic about the erosion of boards of education in America. (5)

It is therefore abundantly clear that Marland was not simply "telling unions that state law forbade him to bargain exclusively with any one teacher organization." Marland was in principle opposed to the recognition of any teacher organization for purposes of collective bargaining or negotiation.

It is true that in 1968 Marland did advise teachers that state law made exclusive recognition illegal. An official bulletin of the Pittsburgh public schools dated February 7, 1968, states:

Dr. Marland was asked to clarify the position of the Board on the matter of the illegality of recognizing an exclusive bargaining agent. He stated that the Attorney General's office had so advised the Department of Public Instruction and that our Board of Education had been correspondingly advised by the Department of Public Instruction. The Attorney General's office reaffirmed the earlier position declared by the Board Solicitor, Mr. Anderson. (6)

On February 4, 1968, however, the Pittsburgh Federation of Teachers had addressed a letter to the Attorney General of Pennsylvania:

The question has been raised locally whether collective bargaining or professional negotiations agreements are legal. Many say that this type of exclusive bargaining agreement with one teacher organization by a school board is prohibited under Pennsylvania law.

Has there been an official opinion rendered on this question by your office? If so, what was the conclusion? (7)

In a letter dated February 13, 1968, six days after the publication of the bulletin cited above, Deputy Attorney General John P. McCord replied to the Pittsburgh Federation of Teachers:

This is in reply to your letter addressed to the Attorney General, Honorable William C. Sennett, dated February 4, 1968.

The Department of Justice has not issued an opinion on the subject to which you refer in your letter. (8)

When the AFT released the text of this letter, Marland turned to the state Department of Public Instruction for help. The State Superintendent of Public Instruction wrote to Marland on February 21, confirming the statements of Deputy Attorney General McCord. "It is true," State Superintendent David Kurtzman wrote, "that no official Attorney General opinion was issued." Kurtzman explained that "an employee of the Department of Public Instruction has advised us by memo in the manner indicated." Kurtzman added, by way of emphasis, "This is not an official opinion. It did not clear the Attorney General's office." (9)

Marland did not make public State Superintendent Kurtzman's letter. On February 22 and February 28, 1968, he issued statements continuing his assertion that the Attorney General's office had advised that under the laws of Pennsylvania, collective bargaining with teachers was illegal.

Marland distorted the facts in 1968 when he stated that the Attorney General's office had advised that it would be illegal to recognize an exclusive bargaining agent.

Marland distorted the facts in 1970 when he stated in an interview that his involvement in the question of collective bargaining for teachers was merely to explain to them the state law.

His opposition to teacher unionism had been a matter of public record and for two years Marland had been telling Pittsburgh teachers of his objections to unionism.

In May, 1968, the Pittsburgh Federation of Teachers won a representational election and was granted exclusive recognition by the Board of Education. On June 5, 1968, exactly two weeks after the election, Marland submitted his resignation to the Board. He now insists that his resignation was not a result of the election victory of the AFT. However, his statement that he would "rather switch than fight" and the published newspaper reports that he intended to resign rather than engage in collective bargaining with teachers -- reports Marland did not dispute at the time -- create a strong suggestion that in fact Marland's resignation was prompted, if not by the AFT victory, then by the very fact that the election was held at all.

C. Marland in Winnetka

Many of the views which Marland expressed in Pittsburgh were formulated by him earlier when he was Superintendent of Schools in Winnetka, Illinois. Marland came to Winnetka in August, 1956, and a month later on the opening day of school he addressed Winnetka's teachers for the first time. In the course of his address he said:

We shall not prosper as a profession...so long as we assume the unbecoming posture of coal miners or teamsters huddled in collective security. We are a proud and dignified profession with a glorious history of accomplishment in this land.

But we must achieve our growth and dignity and prestige by the intrinsic worth of our work and by the demonstrated excellence of our product, proudly. We will not be recognized except with tokens, by demanding recognition and telling of our sorry lot.

...While I shall always seek counsel with you in important matters, it will not be my practice to make decisions by counting ballots. (10)

Recalling this first address to the Winnetka teachers several years later, Marland wrote:

This passage I know raised a number of hackles. To this day, some of the teachers who once found solace in unionism, and whom I now count among my dear friends, refer half-jokingly to my unkind comparisons with teamsters. They knew what I was saying; I had to say it. I think it was a good gamble. (11)

The themes and even the phrases of that first speech to the Winnetka teachers have persisted throughout Marland's career. In 1963, he published Winnetka: The History and Significance of an Education Experiment. "I had not come to Winnetka to be a ballot counter for the teachers' association," he wrote, echoing the similar statement in his speech of seven years before. He went on to say:

I wanted the Winnetka Teachers' Council to flourish, and I wanted to be a useful and constructive part of it. For one thing, I knew that a strong professional organization with conventional state and national affiliation was the most certain safeguard against teacher unionism. I knew that teacher unionism and I would be uneasy partners. (12)

It was Marland's accumulation of attacks on collective bargaining for teachers that led the AFL-CIO to its belief that a man who has declared his open hostility to both the American Federation of Teachers and the National Education Association is unfit to become the United States Commissioner of Education.

D. Marland In The Seventies

Events have moved rapidly in recent years. In a discussion with representatives of the AFL-CIO on September 9, 1970, Sidney Marland indicated that he had changed his views about many matters, especially about the right of teachers to organize. His Pittsburgh utterances he characterized as "knee-jerk reactions." Marland cited as evidence a position paper which he submitted in March, 1970, to Congressman Roman Pucinski, Chairman of the House General Subcommittee on Education. This position paper then may be taken as a fair statement of Marland's present thinking. (13)

Two-thirds of the paper which Marland presented to the Pucinski Subcommittee is devoted to the matter of teacher organizations. Marland concedes "that teachers' organizations have moved substantially and rapidly into the labor movement" and that it can be argued that "this action has probably improved the personal circumstances of the teacher in terms of salaries and other benefits."

However, Marland goes on to suggest that this improvement in the circumstances of teachers has had a correspondingly negative effect upon the education of children:

Favorably affecting the lives and learning of children is what schools are all about, as distinct from favoring the lives of teachers. No matter how earnestly and sincerely we believe in the upgrading of material and professional status for teachers, the ultimate objective of such effort must be the improvement of instruction. A circumstantial case can be offered to suggest that rival organizational efforts, clashes between teachers and supervisory personnel, work stoppages, and emotional tensions surrounding militant bargaining procedures have preoccupied the energies of many teachers to the disadvantage of children. No sound evidence has been offered by teacher organizations to demonstrate that improved circumstances for teachers have brought improved learning for children. Certainly, public funds have been diverted to teacher benefits as against other school needs.... One must argue then that bargaining gains for teachers, no matter how long overdue and justified, have been counter-productive thus far in the movement's history.

Marland goes on to argue that in the public sector of the economy the "conventions of the labor-management model do not readily apply." They are especially inapplicable, he says, in the processes of public education:

In most communities the fiscal resources are fixed in terms of voters' decisions or other constraints that establish tax rates or other bases for funding education. The "redeployment" of such funds under bargained conditions virtually removes from the politically and socially accountable body (the board of education) the power to meet the total needs of a school system judiciously and responsibly. Given a limit on the resources, and given a bargained solution to a salary demand beyond the level of discretionary judgment by the governmental body, the redeployment of resources means that teachers' demands are satisfied at the expense of other program needs and responsibilities of the community -- buildings, textbooks, health services, new instructional programs, etc....To remove from boards of education their discretion to disburse public funds is to remove from the people the control of their schools.

In short, Marland is saying that teacher organizations are all right so long as they do not engage in collective bargaining. Collective bargaining, he believes, is unacceptable in a school system because it deprives the board of education of absolute power over school funds. Elsewhere in his position paper, Marland calls for "intensive application of educational technology to increase teacher productivity." He thus infers that boards of education should have the unchecked ability to hold down teachers' salaries in order to have more money to spend on the products of the education-industrial complex.

The AFL-CIO convention of 1967 declared:

Schools will only be able to meet the requirements of modern democratic society by themselves becoming democratic institutions. School administrators, the community and the teachers must become partners in education planning and educational decision-making.

There is no room for such a concept in Marland's educational system where the absolute power of the board of education is unchecked by any other force.

Marland, in his position paper, is particularly adamant on the question of teachers' strikes: "The strike, apart from being an unfair weapon in this enterprise, goes against all that teachers stand for -- the essentiality of an education, the dignity of the individual, the acceptance of law and public authority, resolution of differences by intellect and good faith, rather than by force." Organizations of teachers, Marland is arguing, are all right so long as they do not engage in collective bargaining or strike action. Marland calls upon Congress to enact "universal legislation...in the national interest that will make the strike against children unnecessary and untenable, and that will preserve to the people the governance of their schools."

It is significant in this regard that some of Marland's supporters are arguing that his views on teacher bargaining are really not important since this is a local matter with which the Commissioner of Education has nothing to do.

But the Commissioner's office is a prestigious one and the confirmation of a man with a clear record of hostility toward collective bargaining by teachers could serve to "chill" relationships between teachers and administrators across the country.

In his position paper, Marland clearly calls for federal legislation dealing with teacher bargaining and teacher strikes and the implementation of such legislation would presumably rest in the United States Office of Education.

The National Education Association has had introduced in Congress a bill entitled the Professional Negotiations Act for Public Education which would establish in the Department of HEW a Professional Education Employee Commission with jurisdiction over such matters as contract negotiations, organization rights, recognition rights, exclusive representation, etc. The American Federation of Teachers has supported general legislation covering bargaining rights for public employees.

Marland's views on collective bargaining for teachers are therefore altogether relevant to the question of whether he is fit to serve as U.S. Commissioner of Education.

There is one further passage in Marland's position paper which is worth notice for the insights which it provides. In discussing teacher strikes, he asks rhetorically:

Would the present phenomena of student rebellion, defiance of authority, hostility, vandalism, obscenity and other forms of unacceptable behavior in many of our schools have occurred if large numbers of teachers had not, themselves, first broken the laws, defied the courts, and coerced students to support strikes by absenting themselves from school illegally?

Surely a man who understands as little as this about the cause of student unrest has too little understanding of the nature of his times to qualify for the important office of United States Commissioner of Education. Marland is out of tune with today's students and he is out of tune with today's teachers. He does not understand the principle of shared power which is at the heart of a democratic school system. It is only between the schools and industry that he sees a legitimate basis for shared power.

II. THE EDUCATION-INDUSTRIAL COMPLEX

During the twenty years that Sidney Marland served as Superintendent of Schools in Darien, Connecticut, Winnetka, Illinois, and Pittsburgh, Pennsylvania, national expenditures for education grew sharply, both in total and as a percentage of the gross national product.

In 1947 total expenditures for education -- public and non-public, elementary, secondary and higher -- amounted to \$6.5 billion, a sum equal to 2.8% of the gross national product. In its report Industry and Education: a New Partnership, the Institute for Educational Development surveyed the educational enterprise in 1967 -- the year before Marland left the Pittsburgh schools to become President of IED:

Over 2½ million teachers instruct over 55 million students. Without even considering the corollary businesses, such as publishing houses, producers of instructional aids and equipment, government agencies, and school construction, the people actually occupied in the formal teaching-learning process comprise about 30% of our population.

Expenditures for public education are increasing each year. The total outlay in 1967 was 58.5 billion dollars, or almost 8% of gross national product Projections for 1975 indicate that educational outlays then could run as high as 91.5 billion dollars. (14)

It is inevitable that any activity which involves 8.0% of the gross national product will attract the attention of industry and business. This was predictable and it has happened.

Maurice Mitchell, then President of Encyclopedia Britannica, said in 1966:

The American economy was built around the railroads in the last half of the 19th century, around the automobile in the first two-thirds of this century, and it will be built around education in the balance of this century. (15)

Large corporations began in the mid-1960's to establish education subsidiaries and divisions. Among them were General Electric, Westinghouse, Raytheon, Litton Industries, IBM, Borg-Warner, RCA, and Xerox. In some cases the parent companies formed spin-off subsidiary companies as Westinghouse Electric did in establishing the Westinhouse Learning Corporation. In other instances the parent company bought up existing companies as did CBS in getting control of Creative Playthings, Inc. Raytheon, originally a defense contractor, bought up a number of existing education firms including Macalister Scientific Corp., Dage-Bell, Edex, and the publishing firm D. C. Heath. These were then merged into a new company, Raytheon Education Company. General Electric and Time joined together to launch a new firm, General Learning Corporation, intending to join GE's hardware with Time's software.

It is in this setting that Marland seeks to establish a full partnership between education and industry.

Organized labor has argued that education in the past has been seriously under-financed and has supported higher expenditures at local, state, and national levels. Labor has also supported increased use of educational technology. But organized labor does not accept the view that the buyer and the seller of educational supplies and equipment can properly exist in a partnership relationship any more than we could accept a partnership between the Department of Defense and aircraft manufacturers. Fundamental ethics requires that public bodies which have the responsibility of spending public funds keep an arms length relationship from the suppliers with whom they deal.

Wilbur Schramm, an authority on educational technology, has written:

Regretfully, in a private enterprise country, one must admit that commercial activity in this field, so far, has been largely counterproductive to better programs and more imaginative uses. The publishers and film makers began to exploit programmed learning before it was really quite ready. Faced with the need to risk large financial stakes in an unfamiliar situation, they made little attempt to find new kinds of programs or new uses of programs -- rather they sought the more conservative types of programs and the more familiar uses. Faced with field reports on their programs, they tried to avoid expensive revisions. The incarnation of programs in programed books tended to harden the form at the moment when it should have been most flexible and most responsive to test findings and new technical developments. (16)

This state of affairs makes it especially important that the public schools maintain their independence and their objective judgment and that they avoid the lure of "partnership" with private enterprise.

Before the role of Marland's Institute for Educational Development (IED) can be properly put into perspective, it would be worthwhile to examine several areas of industrial incursion into education; namely: profits, service contracting, performance contracting and the voucher plan.

Profits and the Schools

Although some published reports have suggested that some firms have found profits in the educational field a bit slower than they had first anticipated, there is nevertheless a general optimism. Dr. George Haller, Vice President of General Electric and a member of the Board of Directors of General Learning, has said: "The potential future market in educational systems is a very attractive one. Unlike the market for refrigerators, and radios, it seems to have no conceivable saturation point."

The education-industrial complex operates in a wide variety of ways. Some of these ways are altogether legitimate; others are open to serious question.

At the simplest and most traditional level private companies sell merchandise to the public schools. The schools could not exist without book publishers and equipment manufacturers and the profitable business of supplying schools is at least as old as the first publication of McGuffey's readers.

But those who are old enough to think of school supplies as books, pencils and paper and whose classroom experience with audio-visual equipment was limited to the blackboard can have little conception of the magnitude of the present educational market.

A case in point is the "talking typewriter" invented by Omar K. Moore and marketed by the Responsive Environments Corporation. This computerized device has been widely acclaimed for what it has accomplished in teaching students to read and write. The difficulty is that the Responsive Environments Corporation estimates the cost of five centers using a total of 100 typewriters at \$2,254,000 a year. And this cost is based upon leasing the machines rather than purchasing them. The company estimates that this equipment would serve 10,000 students, but this estimate is based upon the unlikely assumption that the machines would be used 16 hours a day, 12 months a year. "This program," according to the Responsive Environments Corporation, "is designed as a demonstration program, and is aimed at only a part of the target population. It is anticipated that the program will be extended and enlarged as it proves successful." (17)

Such prospects as these led John Henry Martin, Superintendent of Schools in Mount Vernon, New York, to exclaim, "The center of gravity for educational change is moving from teachers' college and the superintendent's office to the corporation executive suite." (18) And fitting his actions to his words, Martin resigned as Superintendent of Schools to take a top executive position with the Responsive Environments Corporation and to subsequently become a project associate of the Institute for Educational Development.

Talking typewriters have undoubted merits. There have been abundant studies showing that they do. There is one important consideration, however, which a school system must carefully weigh before spending \$2,254,000 a year to lease one hundred of them. Their inventor, Omar K. Moore, has challenged the need for his own invention. He has made what is perhaps one of the greatest technological breakthroughs of all time; namely, he has discovered that the computer in his talking typewriter can be replaced with a human being, and a relatively unskilled one at that. This makes it possible to bring the cost down to about one-tenth of that for the talking typewriter and at the same time it makes it possible to hire mothers of the inner-city as school aides. Moore and the Responsive Environments people each claim the superiority of their respective approaches and the school systems are

left with the difficult decision as to which, if either, of the approaches makes sense. It is a decision which must be carefully and dispassionately made on the basis of painstaking evaluation of the facts. Above all, it is not a decision to be made by anyone who has been a party to the dispute or who stands to profit from the determination.

Most school systems deciding to lease talking typewriters will do so by seeking federal funds. If decisions are to be made wisely, then it is essential that the U.S. Office of Education be a disinterested party and completely beyond suspicion.

The talking typewriters are only one illustration of the thousands of competing devices on the education market. Some are more expensive; some are less expensive. Some hold great promise; some are of doubtful value. In any case, "shopping for school supplies" is a very different matter today than it was back in the times when it was a simple matter of drawing up an approved list of textbooks.

Contracts for Services

Industry has not limited its activities to selling products to schools. Increasingly, education firms have become active in selling services, in contracting to provide teacher training, to develop curriculums, even to establish new forms of community involvement.

As with the sale of products to school systems, the sale of services can be altogether legitimate, but it can also raise serious problems. Service contracts are by no means new in education. Building maintenance, food service and transportation are among the services most often contracted out in the past.

Today, however, there has been a significant expansion of the contracting principle. In many cases the services are expensive, and with education dollars scarce, there is strong competition between firms. Their products and services need to be carefully and objectively evaluated in terms of the educational needs of the community and the resources which are available. In a surprising number of recent cases, educational needs have been defined by the very firms selling the goods and services.

An illuminating illustration of such an operation involving a complete blurring of the distinctions between public and private agencies is the development of the Anacostia Project of the Washington, D.C. school system. (19) This program originated with President Johnson's call for an exemplary project within the Washington school system which might serve as a national model. The President called for the plans to be developed with full community participation. Accordingly, things got under way with a planning workshop in July, 1968, funded at \$150,000. General Learning Corp. received a modest contract for roughly \$25,000 to provide "technical" services to the workshops. The company described its role as being "to make sure the U.S. Office of Education understood what Anacostia wanted and that Anacostia understood what the choices were."

The main product of the workshop was a comprehensive report. The Anacostia Community School Project, prepared by General Learning and adopted by the board of education. The report outlined a list of school improvement programs for the Anacostia Project which General Learning priced out at \$15 million, \$5 million more than called for in President Johnson's original request.

The first step to implement the project was the establishment of a reading task force of teachers and residents of the community. This task force was to design a specific proposal to be submitted to the Office of Education for funding. General Learning volunteered the free services of two of its staff members, Polly Greenberg and Bea Epstein, to the reading task force. The proposal, prepared with this free assist from General Learning, was submitted to the U.S. Office of Education and accepted for funding.

When the project was funded, General Learning received a \$49,750 contract to provide technical assistance for the reading program.

In the meanwhile the Special Projects Division of the D. C. school system began to work with the Anacostia community to develop plans for the election of community school boards in the Anacostia area. A considerable part of this planning was in the hands of Sylvester E. Williams, a former Chicago teacher who was temporarily assigned to the Special Projects Division for the 1968-69 school year. At the end of the school year, Williams went to work for Westinghouse Learning Corp. Westinghouse in turn received a \$24,000 contract to help run the community school board elections. Once the elections were over, Westinghouse obtained a new contract to train the newly elected board members.

The Anacostia project on the whole involved relatively small amounts and General Learning, at least, insists that it lost money on its contracts. These contracts are the seed money. Subsequently, General Learning closed a \$400,000 deal to develop an educational system for Washington's proposed Fort Lincoln "New Town" project.

These are illustrations of the far too common principle of firms contracting to implement specifications which their own people have designed for school systems.

Performance Contracts

A third type of activity has become increasingly important -- performance contracting. Under this kind of arrangement, school systems contract out certain parts of their curriculum -- most often reading and mathematics -- to private enterprise firms, with payment depending upon the contractor bringing students up to pre-determined levels of achievement. Among the first performance contracts was that between the Texarkana, Arkansas, Board of Education and Dorsett Educational Systems, Inc. A similar contract was made by the San Diego schools with Educational Development Laboratories, a subsidiary of McGraw-Hill. The Office of Education and the Office of Economic Opportunity have both encouraged the development of performance contracting. Recently, OEO funded \$6.5 million worth of performance contracts involving 18 school districts through the nation. Three of the contracts went to Westinghouse Learning Corp., and another three went to Singer-Graflex, both companies which have been involved in past programs of the Institute for Educational Development. Three more contracts went to Learning Foundations, Inc., a subsidiary of Tarkenton Ventures, Inc., a company started by Frank Tarkenton, New York Giants quarterback. Gary, Indiana, has negotiated a performance contract with Behavioral Research Laboratories to completely take over the operation of a single school. Litton Industries is habitually given to "thinking big" and it is reported that its Educational Systems Division is looking around for a city willing to contract out to them the operation of its entire school system.

RCA has a contract with the Camden, N.J., schools to reform the entire school system of the city. RCA is charged with using "big business analytical, training and organizational capabilities to solve urban educational problems, including development of modern curriculums, reduction of teacher turnover and handling disruptive pupils." (20)

The Institute for Education Development itself has a contract to monitor and evaluate performance contracts in the state of New Jersey.

Even before it was under way, the Texarkana-Dorsett program was hailed as a major breakthrough in education. Writing in School Management, Dale Bratten, Caroline Gillin and Robert Roush of the U.S. Office of Education confidently declared: "Make no mistake about it: the project is working." (21)

Unfortunately, their article had not yet been printed by the time the Texarkana evaluation team discovered that the Dorsett firm had been seeking to increase its profits by teaching pupils the answers to test questions which were being used to determine the level of payment going to the firm. As a result of these irregularities, the Texarkana School Board recently announced that it will not renew its contract with Dorsett.

Both the AFL-CIO and the NEA have taken firm positions against performance contracting. On August 3, 1970, the AFL-CIO warned in an Executive Council statement that "these moves portend a dangerous effort on the part of the Administration to turn the nation's schools over to private enterprises."

John Lumley, Assistant Executive Secretary of the NEA, testifying before a Senate subcommittee, stated:

The NEA deplures performance contracting programs because they tend to weaken the structure of the public schools and discredit them in the eyes of the public. The profit motive is perfectly proper in the private sector. It is questionable in the public sector, as the excessive cost overrides in defense contracting clearly indicate. (22)

Yet despite its inherent problems and high cost, performance contracting is a growth industry as hundreds of school districts are lured by a scheme which seems to promise them something for nothing.

The Voucher Plan

An even more drastic departure from public control of education is the voucher plan which is being promoted by the Office of Economic Opportunity and which the AFL-CIO has characterized as "one of the most bizarre proposals yet to emanate from within the Nixon Administration." Under the voucher plan, all parents would receive educational vouchers for each of their children; they could then enroll their children in any school of their choice, public or non-public, and use the vouchers to pay the tuition. The school would then submit the vouchers to obtain reimbursement.

In its original Executive Council statement opposing the nomination of Sidney Marland, the AFL-CIO identified him with the voucher plan. This was based upon the fact that his name appears on the draft report of the Task Force on Urban Education which favored "the voucher system as one of the alternatives as a means of both accelerating institutional change and providing an appropriate education for urban students." The final report has never been officially released to the public, but the AFL-CIO has a copy of the draft report which lists Marland as a member of the Task Force.

However, Marland has shown the AFL-CIO a copy of a letter which he wrote asking that, inasmuch as he attended no meetings of the task force, his name be removed from the list in the final report. Marland further told the AFL-CIO that he is altogether opposed to the voucher plan. We are glad to clear the record on this particular matter.

A. The Institute for Educational Development

Since he resigned as Superintendent of Schools in Pittsburgh, Sidney Marland has been serving as an educational consultant to some of the largest firms in America. Indeed, while he was superintendent in Pittsburgh, he was a member of the Educational Advisory Board of IBM. The Institute for Educational Development of which he is president has the declared purpose of "closing the circle between education, industry and government." IED is chartered by the State University of New York Board of Regents for the Education Department.

As a practical demonstration of how to "close the circle," Marland on December 4, 1968, presided over a meeting of educators and industrial leaders under the joint sponsorship of the Institute for Educational Development, the U.S. Office of Education, and the American Telephone and Telegraph Company. The meeting was held in the Harvard Club in New York City. In the words of an Institute for Educational Development report, "American Telephone and Telegraph Company pledged essential financial support." (23)

Apart from the question of ethics implicit in a meeting called jointly and funded jointly by the U.S. Office of Education and one of its clients, it is interesting to notice that the meeting did serve as a practical demonstration of the "new partnership" for which Marland called in his summary remarks at the end of the last session.

Among those who joined Marland and AT&T at the Harvard Club in shaping the new partnership were representatives of General Electric, American Cyanamid, Ling-Temco-Vought, RCA, Eastman Kodak, Lockheed Aircraft, Raytheon, Xerox, General Motors, Singer, Bethlehem Steel, Western Electric, Olin-Mathieson, Minneapolis Honeywell, and IBM.

"The purposes of the meeting were said to be exploratory, rather than oracular, or explanatory," according to the IED report. "These were initial conversations on this subject for some of the participants. The many unknowns in industry-education cooperation justified prospecting, supposition, and speculation."

Following the conference, IED announced plans "to provide consulting services for private industry in matters concerned with public education." IED gathered grants and fees from industry, the U.S. Office of Education, and state and local education agencies to pursue its purpose of building a partnership between industry and education. The IED states that its timing was fortunate: "Just at that time a greatly increased federal engagement in elementary and secondary education was taking place. Simultaneously, a new and enlarged interest on the part of industry began to be expressed, for reasons of social responsibility as well as self-interest." (24)

Service Contracting

One of IED's studies, Business Methods in Reorganizing Administration of an Urban School System, financed at least in part by Sears Roebuck, describes with enthusiasm the peculiar arrangement by which a "management expert" served full-time with extraordinary powers in the New Haven school system while he was on full salary with the Olin-Mathieson Chemical Corp. The IED report describes this arrangement as "bold, new and perhaps even unique." (25)

Back in October, 1967, Marland addressed a conference of education administrators in Evanston, Illinois, on "Problems and Prospects of Education in the Big Cities." At the conclusion of his speech he posed what seemed to him a troublesome question:

Another issue that I would like you to ponder is that there is considerable doubt today as to whether the established schools are to continue to be held responsible for the emerging and increasing expectations of our society or whether other agencies are -- the Office of Economic Opportunity, the Department of Labor, Litton Industries, General Learning Corporation. I think that if we in the established arrangements for public education are to continue to command the respect of our patrons and of Congress in these emerging expectations -- much larger expectations than ever before -- then we must have a better product. (26)

At the time Marland believed it possible that the schools could themselves do the job if they had "twice the present funding per child." By the time he went to the Institute for Educational Development, Marland evidently had come to change his mind. In his preface to the IED report on the Olin-Mathieson-New Haven schools partnership he writes:

The deep problems affecting large inner-city schools are being viewed more and more as symptoms of social and economic conditions beyond the capacity of the schools alone to resolve. Enlightened business leaders, probably motivated in part by self-interest and certainly in large part by a spirit of community responsibility, are searching for ways to help the schools. We hope to assist both parties in finding appropriate and constructive channels for uniting their talents and resources for the improvement of inner-city education. (27)

Even before Marland became its president, the Institute for Educational Development had been practicing and promoting these peculiar financial arrangements between public and corporate bodies. A 1966 IED evaluative study of Head Start Centers was sponsored by the Office of Economic Opportunity, but "the considerable cost of this survey study was paid by a corporate sponsor out of private funds." The corporate sponsor is never identified in the report and it is therefore fair to ask whether or not this sponsor had entirely disinterested motives in regard to the Head Start program. (28)

The "partnership" concept permeated the structure of IED. Marland, the president of IED, came there after a long career as an educator. Robert Filep, director of studies for the West Coast Office of IED, came from the Systems Development Corporation as did Study Director Charles Mosmann. Donald Barnes, vice president and treasurer of IED, had a background of publishing and investment banking. The IED Board of Trustees includes educators such as Chancellor Albert Bowker of City University of New York and industrialists such as Alan Finberg of General Dynamics and Robert Sandberg of Kaiser Aluminum. (29)

Among the Project Associates serving IED are Kenneth Baranski of Westinghouse Learning Corporation, Bernard Donovan of the Center for Urban Redevelopment and Education, Inc., Joseph Farrar of Equitable Life Assurance, H. W. Gustafson of Bell Telephone, Norman Haynes of Consolidated Edison, William Moore of Holt, Rinehart and Winston, John Henry Martin of Responsive Environments, Inc., James M. Reid of Farrar, Straus and Giroux, John Scanlon of Coward McCann, and John Sly of International School Services.

Federal Contracts

A recent IED contract illustrates the nature of the problems raised by the organization's use of consultants and associates. IED was awarded an Office of Education contract for \$130,000 to evaluate Title VII of the National Defense Education Act. Marland served as the principal investigator for the study. In the process of making the study, IED retained three senior consultants, C. Ray Carpenter, Robert M. Gagne, and Wilbur Schramm. Together, these three men had received a total of \$750,000 in grants from the Office of Education under NDEA Title VII, the very program which IED hired them to assist in evaluating.

Quite apart from the question of hiring as consultants persons who had previously received Title VII grants, reviewers in the Office of Education raised objections to the study. It was called "boilerplate" by one reviewer, who also recommended not conducting the study until other firms had an opportunity to bid. Another reviewer remarked that the IED proposal was "pedestrian" and seemed to duplicate other studies.

An assistant commissioner of OE said "this project does seem like a low priority use of federal research funds." But the project was approved, and IED got its money after submitting a report which one reviewer said should be accepted even with its "short-comings." (30)

The Washington Evening Star reported on October 16, 1970, that IED counts on government work for 32 percent of its business and that the firm currently has two proposals for research contracts pending before the Office of Education -- the office its president seeks to head.

In another edition, the Star further reported that the General Accounting Office had specifically cited IED for its practices in hiring "consultants" for federal research projects. GAO said the contract was for \$141,884 of which more than \$13,000 went to 23 outside consultants. IED responded by saying the contract was for about \$130,000.

Vermont Contract

Many of the IED reports manifest a curious air of the businessman's concept toward public education. An example is Higher Education in Vermont: Its Resources and Needs, a 1969 study prepared for the Vermont Commission on Higher Education and funded under the federal Higher Education Act of 1966. The report came to the conclusion that "it is probable that the full range of financial needs for public higher education in Vermont cannot be met....It seems unlikely that Vermont can support major expansions of public higher education programs." Consequently, the report suggested various ways in which the state might ease the situation, one of which must surely be among the most cynical proposals ever made for meeting the financial needs of higher education:

The University of Vermont and the four State Colleges have one additional source of funds which should be recognized. This is the changing of the "mix" of in-state and out-of-state students. Since the out-of-state student is charged from \$500 to \$1,200 more in tuition and fees than the in-state student, the acceptance of fewer in-state students in preference for outside applicants automatically increases available funds, presuming, of course sufficient applicants from the outside. One hundred less Vermonters at the University would mean \$120,000 extra funds, under present tuition, for example. Obviously, a very hard choice is being suggested when the need for funds is such as to result in the denial of education for Vermonters at state-subsidized institutions, but the possibility must be recognized. (31)

Performance Contracting

The Institute for Educational Development has a contract to monitor and evaluate performance contracts in the state of New Jersey. Carl L. Marburger, Commissioner of Education for the State of New Jersey, is listed as a member of the Board of Trustees of the Institute for Educational Development. This is one more way in which IED has "closed the circle between education, industry and government."

Tax Incentives

Marland states there is a need for "very substantial increase in direct teaching and learning relationships between the business community and the schools, especially in cities." He further proposes that "tax incentives may enhance this promising activity."

Despite Marland's implication that education can be improved by lowering taxes on business, the fact is that business has already been quite successful in reducing its share of the state and local tax burden. In 1957, business taxes accounted for 34.2% of total state and local tax revenues. By 1967, the business community had reduced its share to 29.3%. If the business community had continued to maintain its relative share, the financially pressed state and local governments would have had another \$4.5 billion in 1967 tax revenue, \$3 billion of which would have been from the property tax which is the single most important source of public-school financing.

Job Testing

In one of his recent published papers, Marland developed a new route to cooperation between industry and education. "A proposal for a Comprehensive System of Testing for Job Entry" is a paper submitted to the College Entrance Examination Board's Commission on Tests. In the paper Marland proposes that the College Entrance Examination Board enlarge its function by developing a program of job-entry testing which would parallel the present program of college entry testing. "It would appear that the College Board, or a new organization, should immediately go beyond the SAT (Scholastic Aptitude Test) to provide measures of salable skills," Marland writes. He explains his plan as follows:

Following the practice of the present College Board, the new organization would give a student a score or rating expressing the level of competence he has achieved in relation to the entry-level criteria for the field of work he wants to enter. His score or certificate of performance would become his credential wherever he applies for a job. (32)

The proposal has a kind of surface appeal. Yet the usual effect of tests is not to guide people into a position but rather to screen people out. One can well envision employers saying, as many colleges now say regarding SAT scores, "We only hire people with a job-entry test score of 700 or higher." Or an employer might agree to hire a low-scoring high school graduate but say, "Because of your low job-entry test score we will have to pay you less than our usual starting wage."

There is an abundance of evidence showing that inner-city young people for a wide variety of reasons are poor test takers. Marland's job-entry tests would simply become one additional hurdle for minority youths, guiding most of them, if at all, into low-level low-paying jobs. As with many of Marland's conceptions, once the surface of his job-entry testing proposal is penetrated, it becomes clear that only the employer stands to gain.

Marland and Business

As president of the Institute for Educational Development, Marland has been closely associated with most of the firms which in one way or another are in "the education business." These associations have unquestionably been ethical and honorably motivated. Yet the main hope of these industries, to harvest the reward for which they have been planting seed money, lies in federal funding. Were he to become Commissioner of Education, Marland would be in the position of awarding millions of dollars in contracts to firms with which he was previously associated through IED. In an alarming way, confirmation of Marland's appointment would fulfill IED's expressed goal of "closing the circle between education, industry and government."

In raising these issues, the AFL-CIO is in no way being self-serving. Teachers are among the members of the AFL-CIO, but so also are workers who print textbooks and manufacture teaching machines. The AFL-CIO is not judging Marland in terms of the interests of any segment of its membership, but rather in terms of the future of the public school system. In these terms organized labor finds Sidney Marland unsuited for the high office to which he has been nominated.

SUMMARYThe Case Against Sidney P. Marland, Jr.

The record of Sidney P. Marland, Jr., is not one that qualifies him for the office of Commissioner of Education. Specifically, the AFL-CIO believes he is not qualified for the post because:

* Throughout his public career he has maintained active and open hostility toward the rights of teachers to bargain collectively through organizations of their own choosing.

* As Commissioner of Education, while he would have no direct contact with teacher negotiations, his past record and public statements could serve to "chill" collective bargaining relationships between teachers and school administrators across the country.

* By denying teachers their rights to bargain collectively, he has ignored the principle of democracy in public education and has resorted to distortions of fact to prevent collective bargaining.

* His contacts with private enterprise unduly prejudice his attitudes toward public education.

* He presided over a meeting sponsored jointly by the Institute for Educational Development -- the organization he now heads -- and the Office of Education, which was to benefit IED by making new contacts for its own business ventures as an educational consulting firm. The IED compromised the Office of Education by arranging for third party financing of that meeting, which obviously violated the "arms" length standards for a governmental agency in its dealings with private enterprise.

* The private corporation he now heads, the Institute for Educational Development, has held and presently seeks contracts from the Office of Education, the office he now seeks to head.

* Previous IED research contracts for the Office of Education were criticized as being "boilerplate" and a poor use of federal funds by independent reviewers in OE.

* IED has been the subject of criticism by the Government Accounting Office for its practices in hiring consultants for federal research projects.

* Consultants for an IED research project were persons who had previously received federal grants totaling \$750,000 from the same source of funds that IED was hired to evaluate.

* Other IED studies have shown resistance to the motives and ideals of public education by interjecting the businessman's ideals -- as in the University of Vermont study which suggested denying education to some Vermont residents at state-operated colleges in favor of out-of-state residents who pay higher fees solely because of these higher fees.

* Marland's announced goal is to close the circle between education, industry and government. With his confirmation, that circle would be closed. By closing that circle, the Administration is seeking to change the public education philosophy from that of public schools operated by public boards of education to schools operated out of the corporate executive suites.

* Marland, who has been called an educational innovator, has proposed a regressive system of testing that will further hamstring inner-city youths as they begin to look for jobs. The deficits of "job-entry testing" fall heaviest on the poor and minorities where they run the risk of being typed for life for low-paying menial jobs. Instead of innovating testing, the Administration and the Commissioner of Education should be engaged in massive efforts to upgrade the quality of education for all youngsters.

* The Office of Education is responsible for awarding millions of dollars in contracts, placing Marland in the position of being able to award contracts to firms he was previously associated with through IED. The Commissioner of Education should be above conflict of interest and above the suspicion of a conflict of interest.

* The Office of Education should maintain independence from ties with any single element of the education field but the confirmation of a man so closely associated with the private enterprise sector would blur that independence.

* IED executed a contract with the State of New Jersey to monitor and evaluate performance contracts even though the state Commissioner of Education, Carl L. Marburger, was listed as a member of the Board of Trustees of IED.

The AFL-CIO believes that the Marland record is one of blurred relationships. It is difficult to distinguish where the progressive educator leaves off and the reactionary, anti-union administrator begins. It is hard to figure out where the concept of free public education stops and the corporate profit and loss charts pick up. It is a record in keeping with this Administration, which seeks to turn over to private enterprise increasing portions of the education pie.

The AFL-CIO believes strongly in the principle of public education and the free and democratic rights of teachers. It is evident that Sidney P. Marland, Jr., does not hold the same beliefs. On this basis, the AFL-CIO believes Marland is unfit for the office of Commissioner of Education and urges the Senate to reject his nomination.

53-103 355

Citations

- (1) Washington Star, Aug. 19, 1970.
- (2) Text of television address, Sept. 1, 1966, WQED.
- (3) Pittsburgh Press, Sept. 1, 1966.
- (4) Pittsburgh Post Gazette, January 5, 1967.
- (5) A Report: Education Symposium on Urban Problems, State Board of Education of Ohio and the Northeast Region of the National Association of State Boards of Education, undated, pp. 8-10.
- (6) Professional Advisory Commission Bulletin, vol. 4, no. 6, Feb. 7, 1968.
- (7) Letter included in appendix.
- (8) Letter included in appendix.
- (9) Letter included in appendix.
- (10) The complete text of this speech is reprinted in Sidney P. Marland and Carleton W. Washburne, Winnetka, the History and Significance of an Educational Experiment, pp. 178-186.
- (11) Winnetka, pp. 183, 184.
- (12) Winnetka, p. 173.
- (13) "Suggestions Concerning Education in the 1970's," Needs of Elementary and Secondary Education for the Seventies, General Subcommittee on Education, House of Representatives, March, 1970, pp. 563-568.
- (14) Industry and Education: A New Partnership, Institute for Educational Development, 1969, p. 2.
- (15) Quoted in Education in America, Congressional Quarterly, 1968, p. 23.
- (16) Programed Instruction, Fund for The Advancement of Education, 1964.
- (17) A Proposal to Establish Community Learning Centers, Responsive Environments Corporation, undated.
- (18) Quoted in Charles E. Silberman, "Technology is Knocking at the Schoolhouse Door," Fortune, August, 1966.
- (19) This and the five following paragraphs are based upon Eric Wentworth, "Firms Aid Anacostia Project," Washington Post, Jan. 5, 1970, p. A18.
- (20) Education-Training Market Report, E. F. Shelley, July 6, 1970, p. 3.

- (21) August, 1970, p. 10.
- (22) NEA news release, August 6, 1970.
- (23) This and the two following paragraphs are based upon Industry and Education: A New Partnership Institute for Educational Development, 1969.
- (24) Institute for Educational Development, IED, undated, p. 5.
- (25) Industry and Education Study No. 1, IED, 1969.
- (26) Sidney P. Marland, Problems and Prospects of Education in the Big Cities, Univ. of Illinois Press, 1968, pp. 11-12.
- (27) Industry and Education Study No. 1.
- (28) Project Head Start at Work, IED, 1966, p. 3
- (29) This and the following paragraph are based upon the descriptive pamphlet Institute for Educational Development, IED, undated.
- (30) Based on The Washington Evening Star, Oct. 16, 1970.
- (31) Higher Education in Vermont: Its Resources and Needs, IED, 1969, p. 88
- (32) Report of the Commission on Tests, College Entrance Examination Board, 1970, Vol. II, p. 80.

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THE CASE AGAINST SIDNEY P. MARLAND, JR.

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REMARKS MADE BY SIDNEY P. MARLAND, JR., SUPERINTENDENT OF SCHOOLS,
PITTSBURGH, PA., SEPTEMBER 1, 1966, OVER TELEVISION STATION WQED

Many of our sister cities have in recent years and for various reasons found their faculties shifting into a labor-management relationship with their Board of Education. In some cities this was very likely the only recourse, as recalcitrant Boards and autocratic administrations failed to perceive the reality of the teacher as an essential and respected partner in designing the fundamental policies and sharing in the management of education. Indeed in many cities the hostility and conflict generated between the Board and administration on the one hand and the professional staff on the other has taken such forms as the strike or the threatened strike (which is just as bad) and the techniques as between NEA organizations and AFT organizations have been essentially the same.

To a large degree, the hostility with its charges and counter charges, its anger, its stridency has not been present in Pittsburgh. Yet, we have achieved and will continue to achieve substantial gains in the never-ending struggle toward freedom, dignity and adequate compensation and teaching conditions for teachers. Boards of Education in many of our sister cities have abdicated some of their responsibilities to the people through the process of negotiation. I consider this a dangerous condition.

Your Board of Education in Pittsburgh does not need angry or hostile or marching teachers to sharpen its awareness of the high professional place that teaching must hold. They do not need to meet at the bargaining table to see how little they must give to settle a negotiated gain for teachers. The Board and the

administration are concerned with how much, not how little; how many improvements in teaching conditions, not how few; how dignified and enlarged the teachers role must be, not how best to demean the teacher in bargained settlement.

The tactics of many of the big city teacher organizations have been to strike out against the administration, and to personalize their attacks quite locally at the superintendent. For the past year or so there has been an increase of this technique in Pittsburgh, and more will undoubtedly follow.

Some of you have expressed concern that I have not responded regularly to the critical flyers placed from time to time in teachers' mailboxes. My reason for this is that I respect the rights of teachers, whether as individuals or in an organization to think or speak as they will. If the charges are sometimes false or misleading, I have to assume that the authors are misinformed, and that those who wish to know the facts can easily secure them. So, except in very unusual circumstances, I will continue the practice of not responding to the technique of attacking the superintendent. I will continue to the utmost of my ability to work with all teacher organizations, to keep them informed, to involve them in the formal and informal processes leading to policy decisions by the Board of Education and I shall continue to rest heavily upon the PAC, and to give it my utmost attention and respect, and to depart from its recommendations at my peril. The PAC is the Pittsburgh faculty, the members chosen by you to bring their wisdom and experience to the most complex and strategic issues affecting teaching and learning and the management of both. But I do not intend, as long as I am Superintendent of Schools in Pittsburgh, to abdicate my responsibilities as the head teacher. I do not intend to lead these schools by counting ballots, and I do not intend to be a party to the swift decline of teachers' freedom into collectivism in big cities. For labor, yes; for the

skilled and unskilled, who need a collective voice, yes but for teaching of all professions, there has to be a better way. We are champions of the individual by definition. We must preserve individuality for ourselves. We have, I hope, in Pittsburgh leaped beyond the negotiating phase in the evolution of professional dignity for teachers, and are now pointing the way as we are in so many fields, for teachers to be full partners with Board and administrators, not because it is demanded, but because it is the only way that education in a city can succeed. As I have said before, "I would rather switch than fight." I will fight all comers who stand in the way of school progress-- or the advancement of teaching and learning. But I will not fight my fellow teachers.

Pittsburgh Press, Sept. 1, 1966

Marland Blasts Teacher Union

Not Needed Here,
School Chief Says

By KENNETH ESKEY

Pittsburgh's superintendent of schools said today he would resign rather than be pitted against teachers in collective bargaining.

"I would rather switch than fight . . . my fellow teachers," Dr. Sidney P. Marland told his 2700 faculty members in the annual back-to-school pep talk.

The 75-minute program, televised by WQED, was seen by the teachers in 112 City schools. Classes start Tuesday.

'A Better Way'

Dr. Marland ended the program with a strong condemnation of the strike and some other union techniques in public education.

"For labor—yes," he said. "For teaching—there has to be a better way."

He pointed out that a number of other large cities have entered into labor-management agreements with the American Federation of Teachers (AFL-CIO), known here as the Pittsburgh Federation of Teachers.

Gains Here Noted

In some cities, he said, unionization was "very likely the only recourse" because of "recalcitrant" school boards and "autocratic" administrators.

He said Pittsburgh has made educational progress without collective bargaining.

He made it clear he opposes the strike and the threatened strike—"which is just as bad"—as teacher weapons.

The Pittsburgh Board of Education does not need "an-

(Cont'd on Page 4, Column 2)

Teachers' Union Ripped By Marland

Not Needed Here,
City School Chief
Tells Faculty

(Continued from Page One)

gry or hostile" teachers across a bargaining table to work for improvements, he stressed.

He said bargained settlements "demean" the teachers.

He predicted that "some teacher organizations" will press for collective bargaining here no matter what the improvements.

Another Attack

Not all of his comments were directed at the union.

He said the National Education Assn., which represents most American teachers, has adopted "essentially the same techniques" as the union recently.

In a personal vein, Dr. Marland said he will continue his policy of not responding to attacks on him by the teachers union.

Nothing will be done to suppress these attacks, he said, because teachers have a right to dissent.

He said he will lean heavily on the advice of his Professional Advisory Commission of teachers and administrators in recommending policy to the board.

"I will not abdicate my responsibility as the head teacher," he said.

Look At Finances

Among other speakers was Dr. Donald D. Dauwalder, associate superintendent for business, who forecast a 47-million-dollar school budget for 1967.

That's three million dollars higher than this year.

He said the budget will be "roughly in balance"—mainly through big increases in State aid categories.

Turning to construction, he said "some or all" of the five proposed super high schools should be open by the fall of 1970.

Each school will have about 5000 students in four grades, cost 10 to 12 million dollars and occupy a 35-to-40-acre campus, he said.

Most of the present high schools will be converted to middle schools for grades 6, 7 and 8.

Dr. Marland, who acted as moderator for a panel of administrators, said Pittsburgh's new starting salary of \$5600 a year is attracting teachers here.

The new scale—which gives big increases to veteran teachers—is "not yet enough," he said, "but we are on the move."

Pittsburgh Post Gazette, Jan. 5, 1967

Not Anti-Labor, Superintendent Insists

Marland Holds Union Harmful to Teaching

Unionization of school teachers by the AFL-CIO has brought about a "deterioration" of the teaching profession, the superintendent of Pittsburgh Public Schools said yesterday.

"The decision affecting teachers and learning is now up for negotiations," Sidney P. Marland told the Building Owners and Managers Association at a luncheon in the Press Club, Downtown.

In calling attention to his concern about unionization, Marland emphasized he was not speaking against labor or for management on what he implied was a prime issue involving future education.

Boards of education are the people, Marland said, who raise and spend money for education. In making demands for raises and benefits teacher unions "are negotiating against the people."

Marland pointed out, however, that the problem of unionization of teacher in Pittsburgh had "less dimension" than in other major cities of the nation.

The AFL-CIO Teachers union here claims a membership of 400 out of the 2,800 teachers.

"Something has gone out of the teaching profession," Marland said in referring to unionization. He cited the case of New York City where unionized teachers forced an \$80 million salary

raise—money that could have been used to provide better education and facilities.

Discussing the Board of Education's plans for five "great" high schools in the city, Marland said it would likely mean a two-mill increase in the City property tax by the early 1970s.

With these new schools plus elementary feeders and improved mass transportation, Marland said property owners who moved to the suburbs could be attracted back to the city.

Professional Advisory Commission

PITTSBURGH PUBLIC SCHOOLS

MEMBERSHIP 1967-68

ANNA E. BARRETT
DANIEL BELISARIO, JR.
DONALD G. BRITTON
IRIS L. FIKE
LILLIAN GOLDSTEIN
LAVINA H. HENDERSON

MARIE C. HOFBAUER
ERNEST A. HUDDLE
BERTHA B. KALSON
WILLIAM N. KOHLER
ANN KRAFT
HELEN KRAFT

TED SOENS
GARMEN VIOLI
OCTAVIA P. WALKER
ELIZABETH WARNOCK
GRACE E. WOOD

February 7, 1968

Vol. 4, No. 6

Dr. Marland was asked to clarify the position of the Board on the matter of the illegality of recognizing an exclusive bargaining agent. He stated that the Attorney General's office had so advised the Department of Public Instruction and that our Board of Education had been correspondingly advised by the Department of Public Instruction. The Attorney General's office reaffirmed the earlier position declared by the Board Solicitor, Mr. Anderson.



Pittsburgh Federation of Teachers

AMERICAN FEDERATION OF TEACHERS

AFL-CIO

57 South Tenth Street ▲ Pittsburgh, Pennsylvania 15203 ▲ (412) 431-5900

February 4, 1968

Mr. William C. Sennett
Attorney General
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

Dear Mr. Sennett:

The question has been raised locally whether collective bargaining or professional negotiations agreements are legal. Many say that this type of exclusive bargaining agreement with one teacher organization by a school board is prohibited under Pennsylvania law.

Has there been an official opinion rendered on this question by your office? If so, what was the conclusion?

Sincerely yours,

Joseph Zunic, Executive Secretary
Pittsburgh Federation of Teachers

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF THE ATTORNEY GENERAL
HARRISBURG, PA. 17120

February 13, 1968

Mr. Joseph F. Zunic
Executive Secretary
Pittsburgh Federation of Teachers
57 S. 10th Street
Pittsburgh, Pennsylvania 15203

Dear Mr. Zunic:

This is in reply to your letter addressed to the Attorney General, Honorable William C. Sennett, dated February 4, 1968.

The Department of Justice has not issued an opinion on the subject to which you refer in your letter.

This question is being presently reviewed for the Department of Public Instruction.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John P. McCord".

John P. McCord
Deputy Attorney General

JPM/as



sidney p. marland, jr.

*Superintendent of Schools
Pittsburgh, Pennsylvania*

The Big Issues in the Big City Schools

The great issues of our society reside in the big cities. Education lies close to the solutions of these great issues, if not absolutely uppermost. In my view, two of the great issues are (1) erosion of the power of boards of education by the organized teaching profession, and (2) the search for racial equality and uplift of our minorities.

First, the erosion of the board of education. There are several factors at work at the conscious or unconscious subversion of local boards of education and their authority in big cities. Not the least of these is the recent federal plunge into local programs and the increasing state legislation mandating services. And here I call attention to laws I think trespass against local boards by mandating some things that do not require mandating — curriculum, salary, building standards and other conditions for learning and teaching.

But the most dramatic and significant force in the big cities is the swiftly emerging strength of the labor movement. The faculties of the big cities are now broadly unionized in America. Boards of education are committed to a course of bargaining in virtually all matters pertaining to teaching and learning.

Whether we accept the idea of organized labor in industry or not, we know it is here to stay — in my judgment rightly so, for the good of both parties and for the good of society as it relates to industry. Admitting my bias as a teacher, I am compelled to point up some basic concerns over labor's success in winning support of many urban teachers. Big labor with its muscle, money and know-how has undertaken the task of organizing teachers in the big cities. This creates a three-way conflict, the adversaries being the National Education Association, the board of education, and the labor movement.

Boards of education are different from corporate boards in industry and that's the fundamental difference to which I would lift my voice in opposing the conventional labor movement in the teaching profession. Boards of education are the people; they are society. They have been established in the laws very specifically state by state, and they have been given very specific responsibilities. Our American design for control of the schools by the people is at the headwaters of our system of

freedom. Public schools historically and literally are the chief instrument for our society as it seeks ever-increasing freedom for all through equality of opportunity. Still far from perfect, the design has served our people well and shows promise of increased effectiveness in the future if maintained.

The essence of the labor movement in our schools is that the establishment of school policies and programs, declared by law to be the responsibility of the people through the board of education, is now to be negotiated. This is the largest threat to the American design for free schools that I know of. It removes the school from the authority of the people and conceives of the process of policy determination as being up for grabs.

Given an honest and reasonable and representative board of education and given a body of professional staff who are worthy of their art and science, there is no significant and continuing conflict between the two parties. Both parties, each in its own way, are concerned with the optimum fulfillment of each child in those schools. There's no basic conflict, unless by repetitious and skillful union declarations the notion becomes a self-confirming hypothesis that boards and teachers must quarrel, and, indeed, both parties do drift into the permanent posture of adversaries.

More conciliatory in style and more conscious of the responsibility of the superintendent and the board, the NEA has nevertheless formally and officially declared itself for the process of negotiated policy.

What does the chief executive of the big city schools do about this? Does he default and let either the union or the professional association take over? Does he hold to one and reject the other? Does he pretend there is no issue, that he is such a good leader that his teachers won't do this to him?

I know that boards of education and superintendents are not blameless in this rebellion. Unchecked management including intransigent boards and superintendents, has for too long given only lip service to freedom for the public school teacher and has held firmly to autocratic decision-making, offensive to the dignity of professional

people. Professionals cannot be subservient.

In Pittsburgh, we have accepted neither the NEA nor the union as such. There is no bargaining or negotiating. We believe we have a better course of action for teachers as well as for the people; we call it the "Professional Advisory Commission." It is a body of 15 teachers, elected by their colleagues, who meet monthly or more often with the superintendent. It is working today. It could be destroyed tomorrow either by the union or the NEA. But the teacher in Pittsburgh does not need to turn to the union or the NEA to struggle for a right to share in his own destiny. That right and indeed that responsibility have been declared by the boards of education and the machinery has been contrived for its fulfillment.

Our position is that no good solutions in education come about either for teachers or children from deliberations in which one party holds a pistol to the other. That is what has happened in the big cities of our land. That is what's tragic about the erosion of boards of education in America.

I believe the struggle for racial equality in America is the largest of the many issues facing education in the big cities; it is also the largest domestic issue facing our nation today. The problem is especially acute in our big cities because that's where most of our Negro children are. Cities are therefore the places where something good can happen if we are sufficiently determined that it shall.

As teachers by definition, we superintendents are dedicated to the fulfillment of all the children we serve. The superintendent is also a champion of the law and the law says now very clearly that segregated schools shall not be tolerated. Thus by law, and moreover by reason of deep commitment to social justice, the school superintendent in big cities must believe in racial equality and racial integration. But it is one thing to believe and it is quite another to solve the real problems deriving from centuries of oppression. It is one thing to legislate equality and quite another to run a school system that honestly fulfills the intent of the civil rights law.

This aspect of the school's role in our society

has been suddenly and jarringly thrust upon us as educators. We know something of the process of teaching and learning, we know something of school organization and administration, but to be suddenly put in the high position of remaking a social order immediately finds us unprepared, ill-staffed and poorly trained for the job.

Unready as we are however, there is no other agency of government as appropriate as the school for this new charge. One of the responsible leaders of the civil rights movement in the schools stated to me that the schools are the city's soft underbelly in the matter of civil rights, and we are just that. Soft, sensitive, visible, white, luminous, responsive, tender, compassionate, vulnerable, the white belly . . . the soft, vulnerable white belly of civil rights.

What is a racially balanced school and how does it stay balanced. We have arranged for open enrollment in Pittsburgh and provide transportation. But, in some classes, we now have more transferred Negro children than white. Do we halt the transfer policy while there is still available space? Do we establish a quota at 40%, 50% or 60%? The law forbids quotas in housing. The Negro properly hates quotas. Does the school become resegregated as a product of our very act to integrate?

In 1950 there were eight Pittsburgh schools with 80% or more Negro children; in 1955 there were nine; in 1960 there were 13; now there are 23. The rate is accelerating and we don't know how to stop it. Populations do not arrange themselves into nearly balanced patterns in our big cities.

Good teaching is individualized whatever the school may be. If it is not completely individualized, it is performed in small homogeneous groups. Is it useful to integrate a school building and then immediately segregate the children by present ability, according to sound teaching techniques? Or do we make some pretext of artificial integration irrespective of good teaching? This is a basic and sober question for the teachers.

We are now at the end of two years of detailed planning of what we will call the great high schools

of Pittsburgh. We now have 22 high schools, and we are going to wipe them out as high schools. We'll create four or five high schools enrolling up to 6,000 or more children. These schools will be big enough, excellent enough, comprehensive enough to leap across the boundaries and differences that have segregated parts of our cities, and all the reasons that held people apart. Railroad tracks, rivers, ravines and gullies, forests, parks and ridges will no longer be excuses.

This will be a rational and reasonable and logical approach to integration. We hold that first of all there must be such excellence of educational quality in the institution that everyone will want to go there. There must be a reversal of the trend for the very reason of education in the city being better. A fair share of the favored white will choose to stay in the city or return, on the basis of education opportunities available.

During the next three years, our entire city will go through a major revolution. The people have indicated their support through the largest possible bond issue we could raise, and it was supported three to one. These will be schools for the use of thousands, they will be concerned with excellence, they will be concerned with individuality, they will be comprehensive for the whole span, from the slowest to the swiftest.

No matter what boards of education may do in terms of finding solutions for racial equality, we should not expect gratitude from the Negro community. We should not expect someone to come around wringing his hands and saying "thanks." This is compensation long due.

I would say the racial problem in our cities was more serious when it was silent, when we could pretend that there was no problem. But now that the issue cries for an answer and that men stand on the barricades demanding help, the problem is in the process of solution. The times were never so good, in spite of the frustrations, the opportunities were never so large for the people's voice, the boards of education in companionship with administrators, to bring greatness to our big cities.

Sidney P. Marland, Jr. Winnetka:
The History and Significance of an
Educational Experiment. 1963.

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Winnetka and Marland

ever may be good in Winnetka education; it is emphasized here that if this book appears to pass over the years between C. W.'s time and mine, it is because I must limit myself to the things I know.

Teachers and "the Administration"

There were other influences in Winnetka beyond C. W.'s lingering image that produced contradictions. One derived from my first interview with a faculty committee before I had been invited to the post. I had asked the committee, which had been elected by the faculty to share in interviews of candidates for the superintendency, what they were looking for primarily in the new superintendent. With one voice they had declared, "leadership." It is no secret that leadership means different things to different people. But the corporate faculty, strongly and proudly organized in the Winnetka Teachers' Council, seemed wary of this newcomer, leadership notwithstanding. Reduced to the simplest terms, the Board of Education was looking to the new superintendent to bring about change; the corporate faculty (as distinguished from individuals) was uneasy lest the superintendent attempt to bring about too much change too soon.

The wariness in the Teachers' Council was normal, and could be expected to prevail in some degree in any good school system upon the induction of a new superintendent. In this case the teachers seemed to be mindful of the frequently changing superintendents they had known for 13 years. Correspondingly they seemed to be guarded in their initial acceptance of anything that might suggest another change. Their loyalties to a nominal leader had, perhaps, been too often dislodged to permit quick and easy transfer. Indeed, a quick and easy transfer would have been unworthy of this faculty. I am sure that I added unwittingly to the uneasiness by making noises like a new superintendent during those first weeks.

But I had not come to Winnetka to be a ballot counter for the teachers' association. Nor had I come to brandish my authority as the "senior officer present." I knew well that anything good that might lie in the future of the Winnetka Schools would be the result of heavy faculty involvement and consensus. Changes in a school system, if they

C. W. AND I

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are to be forward-moving and enduring changes, must be the product of hard work by all concerned, especially classroom teachers. Superintendents may help teachers move forward, but the moving is done by the faculty. It became important to me to demonstrate my belief in this principle lest the friendly wariness in the Teachers' Council change to coolness.

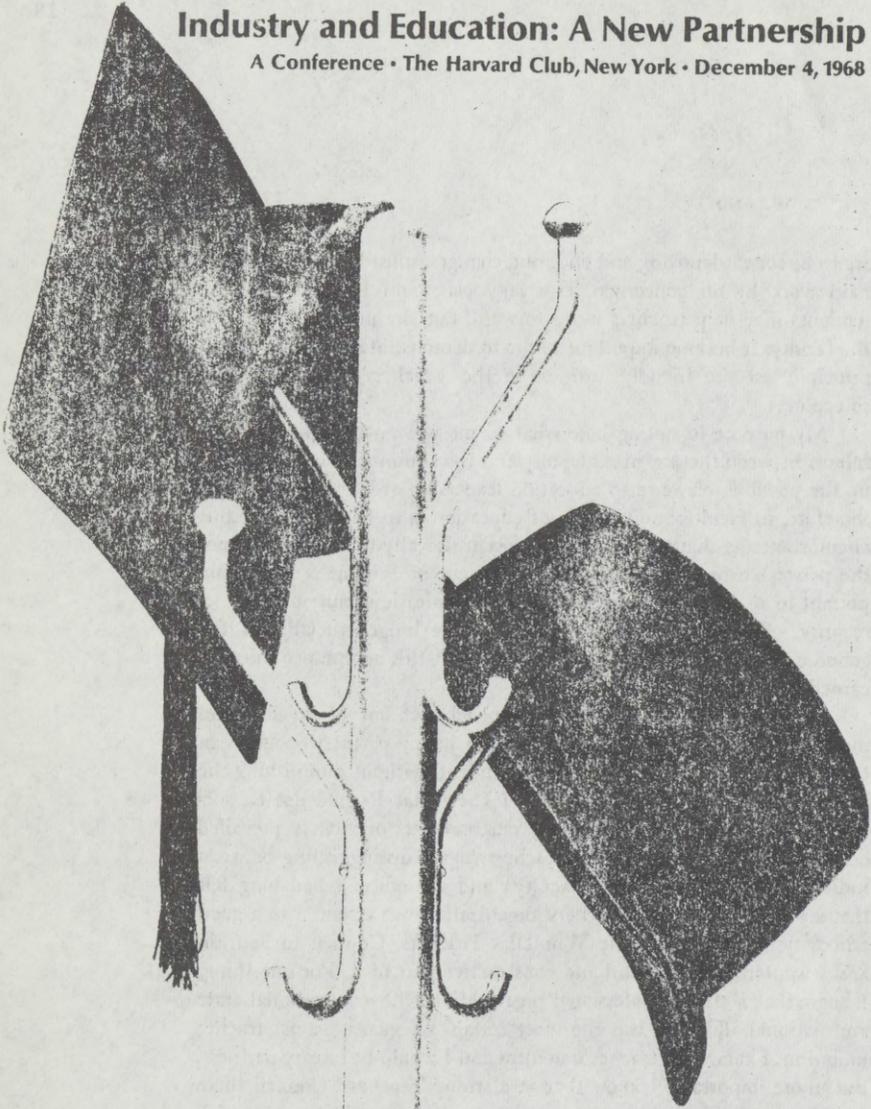
My purpose in noting here what to me was an unfamiliar watchfulness between the organized faculty and the administration is to point up the possible relevance to education leadership at large. My message, therefore, to faculties and boards of education is to be mindful of this circumstance as changes in leadership occur. Loyalty to the symbol (not the person) expressed by the Superintendent of Schools is highly important to an effective school system. Communication, unity of purpose, security, efficiency and corresponding morale hinge crucially on the genuine acceptance of the nominal leader, but this acceptance must be earned by performance.

Not long after taking office, I resolved that one of my first and most important trials would be to make a happy partnership between the Teachers' Council and the superintendent, without diminishing the strength and dignity of the Council. I knew that I could not be successful in Winnetka as long as any defensiveness or anxiety prevailed between the organization of the teachers (again distinguishing between individuals and the corporate faculty) and my office. I had long felt that a strong professional teachers' organization was essential to a good school system. I wanted the Winnetka Teachers' Council to flourish, and I wanted to be a useful and constructive part of it. For one thing, I knew that a strong professional organization with conventional state and national affiliation was the most certain safeguard against teacher unionism. I knew that teacher unionism and I would be uneasy partners. But, more important, I knew that in a strong Teachers' Council there would be established channels, organization and procedures with which I felt I could relate systematically in doing my job.

This was much to be preferred over a listless or non-existent organization having no paths I might follow or doors at which I might knock. The chapter following will deal in some detail with the processes we employed in finding a constructive partnership.

Industry and Education: A New Partnership

A Conference • The Harvard Club, New York • December 4, 1968



Institute for Educational Development
U.S. Office of Education
American Telephone & Telegraph Company

A Beginning

Superintendents and school board members from many of the largest cities in the country came to the Industry-Education Conference to talk across the table with executives from many of the nation's largest corporations. They talked candidly about the troubles of urban school systems and about whether and how, and sometimes when and where, they might help each other.

Leaders from labor, foundations, and professional organizations in education were invited also in order to gain their experience and points-of-view for the discussions.

At the opening of the meeting Dr. Sidney Marland (IED) declared that there would be no speeches and described what was happening as a "non-conference." No reports from committees were heard and no resolutions were adopted. What could these people hope to accomplish in one day of discussion? What kinds of "partnership" attracted their interest and brought them together? The sense of what they said to each other will be

shown in quotation in the body of this report.

At the close of the day Dr. Marland spoke briefly from his own recent experience as a big-city school superintendent in Pittsburgh. He stated the chief conclusions of the sponsors of the meeting: that the "new partnership" probably will not take the form of a national organization of institutions and people; and that, instead, the concept of local control in American education will lead to local partnerships based upon local Urban Coalitions, Chambers of Commerce, schools committees, or upon whatever local arrangements the partners choose.

That theme was underlined in a closing reminder by Elinor K. Wolf (USOE), "We hope the conversations today will help you start conversations between industry and the schools in your own cities. If you have already started, then I hope you go on to the regular, trusting, and informative communications of real partners, and then move forward together into action programs in urban education."

Partners and Purposes

For years, fragmentary accounts in the press have described joint projects of corporations and urban school systems. Often small in scale and experimental, usually inspired by the energy and faith of a handful of local businessmen and educators, these attempts seem to promise a very broad basis for cooperation. Some of them augur radical improvements for education in the cities.

General Electric in Cleveland; Eastman Kodak in Rochester; Michigan Bell Telephone in Detroit; Winchester Division of Olin-Mathieson in New Haven; Kaiser Aluminum in Oakland: the partnership projects indicate a national pattern of mutual concern and willingness to cooperate. But more should be known by those who are trying to understand and expedite partnerships between industry and the schools.

Hence, in stating purposes for the meeting, the

sponsors urged participants to avoid the temptation to seek final solutions. Instead, it was hoped they could use this meeting for exploratory conversations on the meaning of their own experiences and the possibilities for their own future — as partners in urban education.

The purposes of the meeting therefore were said to be exploratory, rather than oracular, or explanatory. These were initial conversations on this subject for some of the participants. The many unknowns in industry-education cooperation justified prospecting, supposition, and speculation. And, of course, decision-makers from these dissimilar worlds needed to explore each other, as persons, thinkers, and doers.

First conversations somewhat similar to these may be necessary in the beginning of every local partnership.

Who Called The Meeting?

The first ideas for the conference appeared in the work of the immediate staff of the U.S. Commissioner of Education, Harold Howe II, in the spring of 1968. Dr. Charles H. Smith, Special Assistant for Urban Education to the U.S. Commissioner, and Elinor K. Wolf, Coordinator, Citizen Participation, then invited the Institute for Educational Development to serve as co-sponsor. IED is a non-profit research and development firm with headquarters in New York City.

In September American Telephone & Telegraph Company pledged essential financial assistance and thereafter served in all respects as co-sponsor.

In advance of the meeting, the sponsors drew up questions which they hoped would engage the participants in frank and informal discussion. The questions also were aimed at some of the unknowns in the proposed new partnerships. After July 1968 the sponsors worked jointly on plans and preparations.

How can school and business leaders gain ready access to each other? What are the usual obstacles to frank exchange of views and information? Who

should take the initiative? How can they get around the stereotypes and labels which educators and businessmen often assign to each other?

If powerful institutions are to make common cause, after a long history of independent and dissimilar operations, how are they to agree on common goals for urban education? What goals are advanced by educators? By businessmen?

What kinds of help do the schools need? How, for example, can the schools deal with large-scale drug addiction? What should industry expect as a reasonable performance for urban schools in educating children reared in extreme poverty?

What kinds of partnership projects appear to offer measurable and lasting improvements to education in the cities? What special kinds of knowledge, skill, and influence can industry bring to bear? How do these match the most pressing difficulties of large school systems?

The sponsors of the conference operated an interesting partnership of their own: a government agency (USOE), an independent educational institution (IED), and a great corporation (AT&T).

The Enterprise

For readers who may have been away from education for a few years, these notes will try to sketch its present scope and some of the opportunities and difficulties ahead.

It is extremely hard to get a whole view, much less a clear picture, of an enterprise as vast and intricate as public education in the United States. Our country has over 125,000 educational institutions. Over 2½ million teachers instruct over 55 million students. Without even considering the corollary businesses, such as publishing houses, producers of instructional aids and equipment, government agencies, and school construction, the people actually occupied in the formal teaching-learning process comprise about 30% of our population. Projections indicate over 63 million students

and over 3 million teachers in 1975.

Expenditures for public education are increasing each year. The total outlay in 1967 was 58½ billion dollars, or almost 8% of gross national product. Ten years ago, expenditures for education represented only a little over 4% of GNP. Projections for 1975 indicate that educational outlays then could run as high as 91½ billion dollars.

The idea of universal, free education continues to express the astounding aspirations of American society. Despite all of the apparent problems in education today, we seem to have a more highly educated populace than any other country in history. Projections for 1970 estimate that the median of school years completed for all persons over 25 will be 12.0 years. In 1940 the median was 8.6.

More than half of the nation's high school graduates now enter college. About half of those who enter college sooner or later graduate. Furthermore, post-graduate enrollment is increasing even more rapidly than under-graduate enrollment. Some 25% of today's recipients of the bachelor's degree go on to earn advanced degrees.

In addition, junior colleges are multiplying at the rate of about one per week, and we are seeing increases in the number of adult education courses, compensatory education programs, and research concerning innovative educational methods.

Yet, in the midst of such scholastic plenty and despite evidence of enormous accomplishments, there are many problems and they seem to be growing in number and complexity.

The quality of education varies widely from state to state and even from neighborhood to neighborhood. Teacher performance continues to come under attack, especially in ghetto areas, despite adoption of new certification procedures in numerous states. Many people feel that antiquated licensing policies in some systems screen out persons who would make excellent teachers.

In 1957, annual expenditures per pupil in 35 of the largest metropolitan areas across the nation were about equal in the cities and the suburbs. By 1962, the situation had changed to the extent that suburbs were spending annually, on the average, \$145 more per pupil than the cities. Presumably an off-setting factor to the financial advantages of suburbia, state aid, in practice, serves as a means for increasing discrimination against city children. The suburbs actually receive \$40 more per pupil in state aid than the cities. This pattern usually derives from the way the tax basis is constructed, a vexing and tangled set of problems even for specialists.

Though attention may be focused on the differences between urban and suburban systems, it is easy also to relate educational inequity to rural areas also. In a nation which authored the concept of universal education, can we not provide the child in the rural areas of New Hampshire or Pennsylvania, or a child in the slums of Watts or Roxbury, the same educational opportunities enjoyed by children in the suburbs of Scarsdale or Palo Alto?

Education costs more in the large cities because

of high prices for school sites, buildings, high operating expenses, and costly special programs for unemployed, dropouts, migrants, and non-English speaking, culturally deprived, and socially maladjusted persons. Though a great deal of attention and approval has accompanied Federal aid to education, the fact remains that when 1¼ billion dollars are spread over fifty states and over 20,000 school districts, the effect on any one city or any one school is anything but massive. Reducing the size of a classroom by one student or adding one social worker to a staff in a slum school does little to relieve the pressure on urban education.

Perhaps the most obvious problem in education is a scarcity of talented, trained, and motivated teachers. While not as acute on the secondary level as on the elementary level, the shortage in poverty areas remains acute and serious.

Educators themselves are often the severest critics of education. Many are deeply troubled by the difficulties of the schools in teaching reading and in preparing students to win jobs and move on to better jobs. Some have noted that the whole value-system of secondary education, including rewards, feelings of achievement, self-respect, and ambition, is geared toward college preparation. Perhaps one of the main causes of dropouts is distaste for that experience which we refer to as vocational training, a misnomer in that college itself generally amounts to vocational training. Have we made so many rewards contingent upon the college degree that we have created an industrial crisis in present shortages of skilled workers? In our curriculum reform, have we driven from the schools many able-minded students who were not so fortunate as to be selected at an early age and headed toward college?

A grouping identified as functional illiterates (anyone with less than six years of schooling) numbered 6.7 million Americans in 1967. This definition doesn't include the many dropouts and even some high school "stay-ins" who satisfied attendance requirements and thereby received a diploma, but who, for all purposes, are functionally illiterate. If they are to have a chance to be productive in a largely technological society, they must have an education relevant to that society.

It has been estimated that within nine years 75%

of all people working in industry will be directly or indirectly producing products that have not yet been invented. In addition to entry-level job training, continuing education has become a competitive necessity for both employees and employers.

Obviously, our educational problems will not be solved quickly, nor without application of sustained effort by many people and institutions. It seems clear also that urban educational problems

cannot be solved by piecemeal treatment, and it will not do to ask educators to make over the culture of the cities by themselves with the resources presently available to them.

This glimpse of the enormous enterprise of public education may help to explain the need for partners who can help to provide motivation for students and who can bring to bear new kinds of resources relevant to the non-school world.

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Firms Aid Anacostia Project

By Eric Wentworth
Washington Post Staff Writer

Sylvester E. Williams, former Chicago teacher and poverty warrior, came up with the idea last September. He sold it to his new employer, Westinghouse Learning Corp., and to the Anacostia Community Planning Council.

The resulting \$24,000 contract launched the offspring of the giant Westinghouse Electric Co. on an unusual venture: helping run school board elections for the Anacostia project.

Election of local boards marks the latest effort to promote community participation in the experimental project. President Johnson started two years ago, as a national model. A basic goal from the outset has been giving long-neglected residents of Far Southeast Washington a chance to plan and run programs to upgrade their overcrowded schools.

But to encourage and guide the community, the project has relied heavily on outside help from the U.S. Office of Education, the Ford Foundation, private industry and numerous individual consultants.

In fact the Anacostia Project seems to have fostered a sort of mini-Establishment. Respective contributions of local citizens and outsiders have been blurred. Normal lines between private and public interests have at times been oddly interwoven.

Outside Aid

The outside aid has stemmed partly from expedience: meeting arbitrary deadlines and compensating for the Washington school system's own shortage of experts. But it also reflects the Anacostia citizens' inevitable limitations in carrying out the ambitious mandate they received from President Johnson.

It thus raises questions about the real meaning of "community participation" and whether the project can prove a valid model for other such efforts.

A number of Anacostia community leaders were inspired by the promises of local control, massive federal aid and eventual better schools. They have toiled long and hard, through the interim planning council and otherwise, to keep the project going. While drawing on outside expertise, they have insisted many final decisions be their own.

But the turnout for the recent elections throws doubt on the breadth of community interest. The Westinghouse Learning team helped publicize the voting. It hired 30 "campaign consultants" from Howard University and 100 local high school students for door-to-door registration.

Students, teachers and "community reading assistants" voted in droves for their candidates in the initial ground in late November. But only 437 of the 6,005 registered parents and other non-school-affiliated residents voted.

Seats Vacant

That first election left nearly 90 of 241 seats on the neighborhood and community-wide boards still vacant. Another election had to be scheduled Dec. 19 and 20, and the unofficial tally for that showed only 433 ballots cast. About 13 vacancies still remain. They will be filled by appointment.

Various reasons have been offered for the poor turnout. They range from Washington residents' lack of experience with the ballot box to the absence of emotional issues and

scheduling the voting so close to the holidays.

Westinghouse Learning's Sy Williams, interviewed after the first election, insisted the exercise was a success nevertheless. What counted, he said, was that the company's team had helped local people mobilize themselves for the event.

The Westinghouse subsidiary became involved last fall after the project ran up against a deadline. The Planning Council had told the Office of Education it would employ 12 "community organizers" and hold the vote by Dec. 1. But it became snarled in D.C. government red tape over hiring details.

Williams was aware of the council's plight. He had spent time in Anacostia as an intern with the D.C. school system before joining the company to try out his ideas on community organizing. The company in turn sought the contract as a chance to test its training and social engineering skills and possibly open up new markets.

Second Phase

Westinghouse Learning is about to start the second phase of its Anacostia contract—grooming the new board members. Details are still being negotiated. But the training is expected to cover among other things the fine art of negotiations.

Negotiating know-how will be vital. The new community board's first big task will be thrashing out with the Washington school board downtown the extent of its yet-unspecified powers. It can be expected to seek maximum control over Ballou High School, two junior highs and eight elementary schools serving more than 13,000 students in the Anacostia Project.

The Anacostia Project's ultimate aim, of course, is better education for the area's young people. But Congress so far has provided a mere fraction of the funds requested. Thus only one major classroom uplift effort has really gotten underway: reading improvement in the elementary schools.

The reading program is said to be inspiring new interest in schoolwork among the children, and enthusiasm among many parents. Any achievement gains, however, have yet to be measured systematically.

Meanwhile community participation has enjoyed top priority. This was reflected in the early choice of Mario D. Fantini as chief consultant to start things rolling. Fantini, a former Ford Foundation envoy, is a leading advocate of community school control.

Community participation began in earnest with a \$150,000 "planning workshop" in July 1963. Some 200 Anacostia parents, other adult residents, youths and teachers took part—a turnout enhanced by the offer of \$15-a-day stipends.

So they could properly plan how to use the millions President Johnson was asking for them, these local citizens had the inspiration and advice of a host of "resourceful people"—federal and local officials, visiting educators and consultants. Small groups had a chance to inspect school innovations elsewhere in trips to New York City, Philadelphia, Boston and Flint, Mich.

General Learning Corp., jointly owned by General Electric Co. and Time Inc., had a contract for roughly \$25,000 to cater the workshop with numerous "technical" services. Like its Westinghouse counterpart, this well-

heeled entry in the burgeoning "learning industry" has been groping for ways to establish its credentials, develop marketable products and services and begin to turn profits.

"I am free to look for things to get meaningfully involved in," says Robert A. Ellis of General Learning's educational services division, a former Time magazine correspondent.

As the company later described its July workshop role, "The goal was to make sure the U.S. Office of Education understood what Anacostia wanted, and that Anacostia understood what the choices were."

The workshop's immediate product was an inch-thick, comprehensive project proposal that General Learning published including a long list of school improvement programs with a \$15 million-plus price tag that General Learning calculated.

But Ellis insists Anacostia citizens rather than the company's team "wrote" the programs. In a joint foreword, Fantini and Associate Washington School Superintendent Norman Nickens called the document, somewhat ambiguously, "the voice of the spirit of the Anacostia community."

General Learning's interest in Anacostia continued. After the Washington school board approved the project's package proposal in September, 1968, the local planning council, headed by the Rev. James E. Coates, who now also heads the citywide school board, set up a reading task force of local teachers and community residents. Its task was preparing a specific proposal on which the Office of Education could base the reading-improvement grant.

Ellis "volunteered" the free services of two General Learning consultants—Polly Greenberg and Bea Epstein. No Contract Design

He firmly insists General Learning had no designs on a subsequent reading program contract for itself. General Learning consultants, he says, were often overruled by task force members.

In December 1968, the task force was reaching the end of its labors on a proposal totaling about \$700,000 with \$30,000 budgeted for outside "technical assistance." At that point some members questioned General Learning's stake in it.

Ellis and Mrs. Greenberg made it clear the group was free to turn elsewhere for such services. Indeed a team from Columbia University was briefly considered. But in the end General Learning—submitting its own proposal—won the contract that eventually totaled \$49,750.

The company stressed at the outset it only hoped to break even. This proved optimistic. Its consultant team invested time and effort far beyond expectations. This stemmed partly from helping quell frictions among other participants, some initially-irate teachers for example. The team also had unexpected administrative burdens when hiring of project staff was delayed.

Less Eager

While General Learning is evidently less eager today to take on new Anacostia work, Ellis believes the plunge paid dividends. "What we got back in terms of experience and respect and credibility was worth it," he said.

"You hope," he adds, "by having done this here, other people are going to hire you in other places."

Meanwhile, after it began work on the reading program, General Learning won another school-system contract for almost \$400,000 to develop a sophisticated education system for the controversial Fort Lincoln "New Town" project, including plans for its first elementary school.

General Learning's earlier concern during the planning workshop that "the U.S. Office of Education understood what Anacostia wanted" seems excessive in retrospect.

Dr. Anne Stemmler Hughes, who took part in the workshop as an early-childhood education expert from Arizona, then joined the federal agency.

In fact she soon became its project officer for Anacostia. From that vantage point, she has kept the federal government deeply involved in what was once described to Congress as a strictly local venture.

This solicitude on the Office of Education's part would hardly sit well with one powerful member of Congress, however. Rep. William H. Natcher, (D-Ky.) who chairs the House Subcommittee on regular D.C. appropriations, saw the threat of "federal control" when President Johnson sought special Office of Education funding.

Harold Howe, then U.S. education commissioner, hastened to assure Natcher that he and his staff were "being very careful to stay clear of any federal involvement in the Office of Education in the governance or the affairs of the District of Columbia."

SUGGESTIONS CONCERNING EDUCATION IN THE 1970'S

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Sidney P. Marland, Jr., President, Institute for Educational Development,
New York, N.Y.

As one weighs the very large questions surrounding public education and the legislative opportunities pertaining thereto, one could

construct an almost infinite array of needs. Rather than attempt an all-inclusive listing, I have cited below ten areas of concern, all of which deserve high legislative priority. Of these ten, I have developed two urgent issues, *Illiteracy* and *Vocational-Technical Education*, in modest detail and have developed a third issue of urgency, *the Teacher*, in considerable detail.

1. Expanded pre-primary programs for the poor and otherwise disadvantaged.
2. Very substantial increase in direct teaching and learning relationships between the business community and the schools, especially in cities. Tax incentives may enhance this promising activity.
3. Intensive application of educational technology to increase teacher productivity.
4. Universal retirement system for all professional employees of public schools to increase mobility and teacher freedom.
5. Very large increases in categorical fiscal support to the big cities.
6. Systematic articulation of responsibilities between schools and industry as we face the need for creating 1.5 million new jobs (and ready employees) each year.
7. Very substantial opportunities for in-service education of teachers to keep pace with change.
8. Illiteracy (See following)
9. Vocational-Technical Education (See following)
10. The teacher (See following)

In offering counsel on the education scene as I see it during the next decade, I have followed your admonition to "think broadly," and not necessarily in the context of a specific legislative design. Indeed, my notions may be only indirectly suited to legislation. But for what they are worth they may be useful as we try to perceive the settings in which legislation may arise, and educational programs may respond accordingly.

The following issues are not necessarily listed in order of importance, nor are they by any means all inclusive of the needs of the seventies. They are one man's perception of three of the large problems of education that may find their solution through Federal intervention and support.

LITERACY

One of the large, and still unresolved, problems of our time is the considerable number of American citizens, young and old, who cannot read or write. While heavy concentrations of illiteracy may be found among our ethnic minorities in cities, the problem is by no means confined to urban centers. Despite aggressive scholarly research, and honest and diligent application to the task by teachers and administrators, the solution to the illiteracy problem has eluded us. There are many explanations: lack of motivation, cultural obstacles, family indifference, environmental adversity, hunger, etc. Acknowledging all the explanations and justifications, we must, as a nation, discover ways to teach all mentally adequate citizens to read. Even at the expense of other very important programs, this essential function of civilized man must have pre-eminence in our priorities.

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Otherwise, our best intentions in other social interventions such as job development, equal opportunity, housing, welfare and health, will have only passing and peripheral effect. Good starts have been made in literacy programs for adults under the Adult Basic Education support. Some slight gains have been made with elementary and high school children. The problem on all levels still remains unsolved for large numbers of our people. As a teacher, I am ashamed of the evidence.

VOCATIONAL-TECHNICAL EDUCATION

The late 1960's have brought fresh and promising examples of what can be done broadly in preparing Americans for satisfying employment. But, again, the surface has barely been scratched. For generations our public schools have glorified college entrance as the epitome of success and accomplishment. As a young and daring nation deeply committed to the democratic ideal of educational opportunity as distinct from our European, African, and Asian forbears, we have virtually achieved the goals of providing access to higher education for all who can profit from it, and who desire it. But we have achieved the goal at the expense of the "other half" of our population, who, for a number of good reasons, do not go to college, and need not. The schools have provided for this half of our young people a choice between a diminished version of the college preparatory program, or the option of vocational school, imposed at age 13 or 14, pre-ordaining a schooling in skills believed by our people to be something less excellent than college.

This has produced a sharp and counter-productive attitude among parents, teachers, and the public at large that classifies the vocational school as the place of demeaning expectations and, very likely, dirty hands. The parents of black and other minority group children are particularly emphatic in their perception of this dichotomy. A recent survey of parents in a large, inner-city high school revealed that 93 percent of the parents expected their children to go to a four year college—this, in spite of the actual college entrance record of the school at five to six percent of its graduates, and a desperately negative record of academic performance by 60-70 percent of the student body. Yet, any thought of vocational-technical education for immediate job entry following high school, in clearly established manpower requirements of the area, is repulsive to many parents and young people because of our folklore concerning educational excellence as definable only in terms of college entrance.

The attitude of the American people toward the world of work must be turned around. Great effort must be devoted, not only to the invention and implementation of creative vocational-technical curricular opportunities for young people, starting at about Grade Six, but also to massive changes in public attitudes, especially among minorities toward those who work with their hands. This is not to say that very large numbers of black and other minority young people should not go to college. Quite the contrary. But, like whites, many will not. We cannot risk longer this bitter experience of perhaps 50 percent of our young people—black *and* white—completing school with a euphemistic "general" education, that has no relevance to college, little relevance to job entry, and no relevance whatever

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to the young person in school. The emergence of the comprehensive high school, properly defined and implemented, carries the ultimate solution to this problem. Among the radical changes that may derive, if we truly mean to take the problem seriously, is the feasibility of having every high school student engaged for at least a semester in a genuine work-study program giving dignity and worth to work in its largest sense. Somewhere down this road the term "relevance" may find its place in the high school program.

THE TEACHER

The following passage may be easily misconstrued as an attack against the organized teacher. On the contrary it is a serious expression of concern by a school administrator who has viewed the increasing chasm between a board of education and faculty with deep distress. The administrator by definition, not by choice, is excluded from the role of championing the teacher. Yet he is not ready to cast his lot with the board of education as the teacher's adversary. Therefore, in this uneasy time he may be a useful participant in the chemistry of substantial changes now in motion, particularly as the advocate of children.

The past decade has brought a substantial change in the role of the teacher. For good or for bad, the teacher, especially in cities, has become a militant, insistent upon social and political force, sometimes appearing to serve children, and sometimes appearing more stridently to serve the teachers' personal gains. The power of traditional labor relations processes within the teaching profession has brought long overdue progress to teachers' circumstances, and has very possibly brought adversities in terms of education in general. There is a very fundamental question that might be asked, but which probably will find no answer. Would the present phenomena of student rebellion, defiance of authority, hostility, vandalism, obscenity and other forms of unacceptable social behavior in many of our schools have occurred if large numbers of teachers had not, themselves, first broken the laws, defied the courts, and coerced students to support strikes by absenting themselves from school illegally? Two thousand high schools and junior high schools during 1968-69 experienced rebellious student acts classified as violent. One may speculate at length on this question, without productive gains.

The fact remains that teachers' organizations have moved substantially and rapidly into the labor movement. It can be argued that this action has probably improved the personal circumstances of the teacher in terms of salary and other benefits. Whether it has favorably or unfavorably affected the lives and learning of children in the schools is not known. But favorably affecting the lives and learning of children is what schools are all about, as distinct from favoring the lives of teachers. No matter how earnestly and sincerely we believe in the upgrading of material and professional status for teachers, the ultimate objective of such effort must be the improvement of instruction. A circumstantial case can be offered to suggest that rival organizational efforts, clashes between teachers and supervisory personnel, work stoppages, and emotional tensions surrounding militant bargaining procedures have preoccupied the energies of many teachers

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to the disadvantage of children. No sound evidence has been offered by teacher organizations to demonstrate that improved circumstances for teachers have brought improved learning for children. Certainly, public funds have been diverted to teacher benefits as against other school needs.

Actually, if one were to generalize upon the swift products of collective bargaining in education, the profile would suggest that teachers are being paid more for teaching fewer children. Smaller class sizes are to be applauded if, correspondingly, learning improves. No general case has been made to show that learning has improved with negotiated reductions in teacher work loads. One must argue then that bargained gains for teachers, no matter how long overdue and justified, have been counterproductive thus far in the movement's history. There are two major issues arising from the shift of the teaching profession into the labor movement which may find their ultimate resolution in legislation. They are as follows:

1. Some of the conventional practices of labor are not suited to the teaching profession.
2. The teacher, now committed to a bargained arrangement with management, must accept the economic consequences calling for productivity and accountability.

Let us examine these assertions. One can make a long and tedious case for the distinctions between a profession and a craft. Such an argument would be more exhortatory than real, and would engage in largely semantic distinctions. One could also argue that teachers in general are underpaid, overworked, and underrepresented in sharing with administrators and the board of education in the determination of school policy. Some would hold that teaching is an artistic and creative act, not suited to accountability and productivity measures. This can be defended strongly as applying to individual teachers. However, when collective procedures are adopted according to established economic processes, the collective economic rules must apply. The logical conclusion is that labor-management procedures will resolve these problems to the teachers' advantage, and presumably to the ultimate advantage of public education in general, given time and appropriate legal foundations.

Setting aside partisanship on the issue of whether or not teaching should adopt conventional labor practices in seeking collective goals, let us examine the fundamental message of the labor movement. This message declares that unless certain conditions are satisfied, labor will withhold its services. This is a rational and classic, though perhaps oversimplified, expression of what labor-management relations mean. In the historic sense, the strike has been the essence of labor's power. It establishes a basic premise that employees are willing to undergo loss of income, and to make other sacrifices such as risking job security, in order to achieve a collective goal. This arrangement has taken the form of an acceptable set of rules for the labor-management relationship in America. Essentially, the product of the bargained solution is a larger share of the corporation's profits or other resources for the employee. The gains may take a variety of forms, broadly described under "working conditions" but ultimately suggesting a redistribution of dollars between stockholders and employees. This arrangement has served organized labor well. Employees have made sacrifices to gain

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long-term objectives, and have, broadly, assumed responsibility to increase productivity consistent with increased earnings.

In the public sector, these conventions of the labor-management model do not readily apply. They are especially inapplicable in the processes of public education. Basically, in the public sector there are no profits to be redeployed. There is only a public treasury, the distribution of which is expressly placed under the authority of a legislative body, Federal, State, or local, representing the people. In most instances the local legislative body is the board of education. In most communities the fiscal resources are fixed in terms of voters' decisions or other constraints that establish tax rates or other bases for funding education. The "redeployment" of such funds under bargained conditions virtually removes from the politically and socially accountable body (the board of education) the power to meet the total needs of a school system judiciously and responsibly. Given a limit on the resources, and given a bargained solution to a salary demand beyond the level of discretionary judgment by the governmental body, the redeployment of resources means that teachers' demands are satisfied at the expense of other program needs and responsibilities of the community—buildings, textbooks, health services, new instructional programs, etc. *There is no profit to be redeployed*; therefore, the customary protocols of industry and labor are inapplicable. The bankruptcy and the deficit borrowing of many school systems in the U.S. are testimony to this fact. In most large cities less than 4 percent of the annual revenues is available for discretionary allocation by the board of education, the balance being mandated by one form or another of fixed or negotiated policy and contracts.

Another disparity between traditional labor-management relations and education lies in the fact that in industry the parties have different organizational goals. In education, the contesting parties have only one goal—the education of children. Boards of education and teachers *all* serve one stockholder—the child. To remove from boards of education their discretion to disburse public funds is to remove from the people the control of their schools. A board of education without fiscal freedom cannot discharge the public mandate placed upon it by society.

There are numerous other discrepancies between conventional labor-management arrangements and the schools. Only one will be treated further here: the strike. Withholding services is a time-honored and accepted procedure for advancing labor's demands. The important element of the strike is the implicit sacrifice made by the employee. However, the strike in a school system departs markedly from the conventional model. Law requires that children attend school a fixed number of days a year. Moreover, social and political responsibility compels all concerned to serve children in school, consistent with national priorities and deeply rooted social policy. Therefore, the strike carries with it none of the implicit sacrifices or risks that obtain in conventional labor-management arrangements. The teacher may withhold his services as part of the collective effort. However, he knows that "days lost" are not days lost to him or to his income. By social compulsion as well as by law, the days will be "made up", and he will receive his full pay, plus whatever additional rewards result from the strike and its bargained conclusion. He takes no risk as an individual.

The strike is not against a public body, in reality, for the public

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body has no discretion as to whether or not children must be educated. It is ultimately a strike against children—a withholding of services from children, generally in violation of one or more laws. For teachers to exercise the traditional strike is a one-sided game, with only one winner—the striker. This violates the history and custom of labor's processes. It is an unfair enterprise.

Yet, it is a fact that teachers are organized, will be more organized, and should play a larger part in the formulation of public educational policy. But the strike, apart from being an unfair weapon in this enterprise, goes against all that teachers stand for—the essentiality of an education, the dignity of the individual, the acceptance of law and public authority, resolution of differences by intellect and good faith, rather than by force. It is believed that the great majority of teachers deplore the strike, find it diametrically contrary to their personal philosophy, and resort to it only in desperation.

Over the years, Congress has brought rational and affirmative legislation to bear upon labor-management arrangements in industry. We have prospered as a nation under these laws. But it is dangerous to assume that these same laws can be universally transposed to the profession of teaching and to the responsibilities of school governance. The modest penalties assessed upon teachers' organizations for violation of existing laws, whether in the forms of fines or imprisonment, are brushed aside as inconsequential by the alleged offenders, as necessary parts of the "justified civil disobedience" pattern. This is totally inconsistent with the historic place of the teacher as a model of civilized behavior. Correspondingly, in whatever form, the people have acquiesced to the bargained conclusion of the strike with little or no attention to productivity or accountability by the profession, in order to get the children back to school.

It is urged that Congress look with favor upon the need for teachers to organize in order to gain adequate compensation and working conditions, but that universal legislation be enacted in the national interest that will make the strike against children unnecessary and untenable, and that will preserve to the people the governance of their schools. This calls for creative new solutions to the arrangements between public bodies and school employees. No quick solution is offered for this complex problem, but so long as assumptions are made that industrial and craft union rules apply to teaching, the welfare of children, especially in big cities, is removed from the discretion of public bodies, and rests with teacher organizations.

It is very important that this problem be approached in a context which removes any implication of punishment or coercion toward teachers. It is not the fault of teacher organizations that old and irrelevant laws are transposed routinely and without examination to the emerging collective action of teachers. On the contrary, it is urged that whatever new legislation may be conceived be viewed as a design for elevating the level of collective action by the teaching profession rather than suppressing it. The goals of the legislation would be to remove the inequitable strike by finding a better instrument for the resolution of differences, and to apply the conventions of economic responsibility to the organized teacher, i.e., accountability and productivity as products of increased negotiated benefits, consistent with labor philosophy and performance.

Marland Contract Split HEW Aides

Oct. 16, 1970

By JOHN MATHEWS

Star Staff Writer

OEC-9-4-42046-3462(010) is the rather forbidding file number for a U.S. Office of Education research contract with a private, nonprofit New York educational firm.

In many respects the contract is typical of hundreds of Office of Education research contracts, \$164 million worth of them still in effect during fiscal 1969, the last year for which totals are available.

What is unusual about this one, however, is that the president of the New York firm, Institute for Education Development (IED), who also served as the principal investigator for the contract, is Dr. Sidney P. Marland Jr., President Nixon's nominee for U.S. commissioner of education.

Contracting Practices Hit

In July, a special report of the General Accounting Office reviewed the contracting practices of the Office of Education, examining some 40 contracts, including Marland's. The GAO review, conducted at the request of Rep. Edith Green, D-Ore., criticized many aspects of Office of Education contracting, including failure to maintain comprehensive records, the extensive use of private consultants and

the lack of adequate monitoring of performance.

Mrs. Green's office is continuing its investigation of federal education and antipoverty contracts, and recently examined in detail the Marland contract. The congresswoman says she has not taken a position on the Marland nomination, but is worried by what she calls the "education-poverty-industrial complex."

She uses that phrase to describe private industry's increasing interest in areas of human service, its tooling up to provide expertise in the field as defense contracts decrease and the constant movement of specialists from industry in and out of government.

Opposition Announced

Marland's nomination has encountered the announced opposition of the AFL-CIO, whose president, George Meany, says Marland is anti-union. The nomination is expected to receive Senate confirmation hearings after Congress returns from its election recess.

The documentation of the Marland contract with the Office of Education is contained in project files of the office's research bureau which were readily made available to a Star reporter.

The OE could have invoked provisions of the so-called Freedom of Information Act which cite as exempt from public scrutiny research contract records such as in-house correspondence or evaluations by independent reviewers.

But, Don Sweeney, the assistant commissioner of education for public information, said the entire file was open to inspection. Sweeney said he had informed Marland of his decision and the education commissioner-designate had immediately approved of the opening of all files having to do with his firm's contract.

Dates From Late 1968

The contract's history dates from December 1968 to last week when the final report of the IED's study officially was accepted by the Office of Education.

The IED contract called for an evaluation of Title VII of the National Defense Education Act, which was designed to promote research and experimentation in the use as educational tools of media such as television, radio, film and programmed instruction.

From 1968 until 1968, when Congress killed Title VII and incorporated its objectives in other legislation, the program granted \$40.3 million to about 600 projects, most of them based in universities.

For the evaluation study, the OE did not draw up a prospectus and ask for bids. Instead, the office went directly to IED and negotiated what is known as a "sole source" contract.

Finch Memo Recalled

In August 1969, Robert H. Finch, then secretary of Health, Education and Welfare, sent a memorandum to his agency heads saying he wanted them to avoid negotiated or sole source contracts and to use competitive bidding whenever possible. Last April, HEW's administration of fice reported that the Office of Education was one of four agencies that "had not taken any action" on the secretary's directive.

The original IED proposal called for a \$141,884 contract with a fixed fee or profit of \$7,522. IED secretary Dale E. Bussis argued that IED's other government and private contracts included such a fee and that the fee would provide "a modest amount of working capital necessary for a small and growing organization."

The final contract eliminated the fixed fee and substituted instead a fixed price contract while trimming the total cost down to \$130,000. The firm now expects to lose money on the contract Bussis said last week.

Proposal Reviewed

As private talks continued between the OE and the IED, the firm's proposal was sent out for review by independent field readers—a contracting requirement. Both reviewers gave huge warm appraisals, one calling for deferral of the contract pending more information and the other giving the contract a provisional

approval and a low rating of "4" on a five-point scale.

One reviewer, the former director of a Title VII project, said the proposal was devoted largely to "boilerplate and a statement of good intentions." He questioned the qualifications of the IED staff to conduct such a specialized study, while praising the standing of the three senior consultants—all nationally known experts in educational media.

If the Office of Education wanted an evaluation of the Title VII program, the reviewer added, "it should prepare specifications for such a study and advertise them so that all qualified and interested people may have an opportunity to bid."

Other "Not Impressed"

The other reviewer was a recognized authority on systems analysis and statistical methods. He said that he was "not impressed by the quality of the proposal" and that it lacked a framework and rationale. The reviewer thought the proposal's suggested approach was "largely ad hoc and pedestrian" and that it seemed to duplicate other studies already under way.

Soon after the independent reviews were received, the OE's project officer, Dr. Chester Neudling, also wrote a memo on the proposal. His memo began: "If the Bureau (of Research) has made commitments regarding evaluation of Title VII and must proceed with this proposal, I can recommend approval only on these conditions. . . ."

Neudling then stated his reservations. He recommended that the objectives of the study should be more clearly stated and the OE should closely monitor the project. While the senior consultants listed for the project and its director, Dr. Robert T. Filep, were highly qualified, Neudling added that persons with expertise in the field of educational technology should be added to the IED staff.

Boyar Approved It

On Jan. 11, Norman J. Boyar, then associate commissioner for research, approved the proposal, but added in a handwritten note that steps suggested by Neudling "must be built into the project monitoring immediately."

Two other critical memos then appear in the project file.

One from Joseph Froomkin, then assistant commissioner for program planning and evaluation, mention the unfavorable reviews by the field readers and said "this project does seem like a low priority use of federal research funds."

The other memo, from an OE official, said the proposal was "far from meeting our usual review criteria." He also mentioned another firm that had recently conducted an Office of Education media study and said he felt the firm has more expertise to conduct the current study than IED.

Through February and March, discussions and correspondence on the contract continued. OE officials apparently were satis-

fied that criticism of the initial IED proposal had been met, because in early April the contract received final approval.

Neudling Ideas Included

The final contract form does not show that stipulations outlined by Neudling, the project officer, were in fact made a part of the agreement. However, Dr. Adolph J. Koenig, who succeeded Neudling as project officer, said Neudling's recommendations were incorporated in the monitoring of the contract by the OE.

The IED's final report, titled "A Study of the Impact of Research on Utilization of Media for Educational Purposes Sponsored by NDEA Title VII, 1958-1968," was submitted in July. It consists of 176 pages, an 85-page appendix, and a shorter "overview" version of the final report.

Before accepting the report—which has the effect of awarding the IED firm its final contract payments—Koenig followed regular procedures and asked several colleagues to give their opinion of the product.

All three reviewers, whose views were put on paper and are included in the project file, said the report should be accepted. Two of the reviewers, who had worked closely with the study, felt the report was useful and its

recommendations helpful. The third was highly critical of the study, but recommended accepting the report even with its "shortcomings."

Koenig, said last week he based his acceptance of the report on his belief that the contractor fulfilled the terms of his contract.

IED's project director, Dr. Filep, who is also the report's author, said in a telephone interview last week that "the government and the agency got a hell of a lot for their money." He estimated the final project costs to his firm will exceed by \$6,000 to \$7,000 the contract grant of \$130,000.

Like Office of Education officials, Dr. Filep stressed that IED was able to involve as senior paid consultants for the study three of the top researchers in the educational media field: C. Ray Carpenter of the University of Georgia, Robert M. Gagne of Florida State University and Wilbur Schramm, director of the Institute for Communication Research at Stanford University.

The three senior consultants all were beneficiaries of Title VII grants during the life of the legislation. Gagne received one grant of \$60,000; Carpenter got four grants totaling \$234,000, and Schramm got seven grants for \$465,000.

Filep said that, despite the fact the senior consultants had benefited directly from the Title VII legislation they now were asked to assess, he felt they could give an objective evaluation. If all recipients of Title VII grants had been barred from participating in the study, he said, "we would have excluded all people who really knew anything about the field."

With IED's president Dr. Marland, U.S. Commissioner of Education-Designate, the firm now finds itself in an unusual position.

It counts on government contracts, including OE work, for about 32 percent of its business. Currently the firm has two proposals pending for research contracts before the Office of Education.

Both Filep and Bussis feel that the firm will still be eligible for OE contracts even with its former president heading the government agency. HEW's office of general counsel also agrees, saying there are no government regulations that would bar the firm from continuing to get OE business.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

November 6, 1970

Dear Dave:

We appreciated the opportunity to meet with your executive committee last Thursday. This is to provide the specific facts you requested as to the legal directives Dr. Marland was operating under prior to the Pittsburgh strike in 1968:

The Board of Education initially took a position, on advice of its Solicitor and the State Department of Public Instruction, that it could not recognize the union as exclusive bargaining agent. This position was further affirmed in a letter of February 12, 1968 to Dr. Marland from the Pennsylvania Department of Public Instruction, quoting the opinion of Mr. Warren Morgan, Assistant Attorney General for the Department:

"In answer to your query regarding professional negotiations, it is our opinion that under existing law, a school district is not required to negotiate nor is it allowed to recognize an exclusive bargaining agent, and it is very doubtful whether a school district may enter into a collective bargaining agreement."

In response to an inquiry about this from the Pittsburgh Federation of teachers, the Deputy Attorney General, John P. McCord, wrote the union on February 13 that "The Department of Justice has not issued an opinion on the subject to which you refer in your letter."

When this letter was called to Dr. Marland's attention he asked the State Superintendent of Public Instruction, Dr. David Kurtzman, to clarify the situation. He wrote on February 21 as follows:

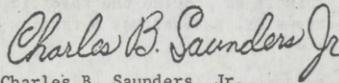
"In reply to our telephone conversation I want to advise you that while it is true that no official Attorney General opinion was issued, the Assistant Attorney General, who is an employee of the Department of Public Instruction, has advised us by memo in the manner indicated...

"This is not an official opinion. It did not clear with the Attorney General's office, which is the reason for the Attorney General stating that there is no official opinion from the Attorney General. The Attorney General is currently working with us on getting an official opinion. In the meantime, we are using the facts stated in the opinion to us from Mr. Warren Morgan, Assistant Attorney General, as our legal guide in the matter."

As far as I know the opinion was never issued, and the union's status as exclusive bargaining agent remained in legal limbo until this summer when Pennsylvania passed a collective bargaining statute. An article in the Pittsburgh Post-Gazette of June 20, 1968, reviewing the situation at that time, notes that while the AFT had won the representation election, "both sides are awaiting action by the State Legislature to make such negotiations legal."

I hope this will clear up the confusion over the legal advise on which Dr. Marland was operating as Superintendent.

Sincerely,



Charles B. Saunders, Jr.
Acting Assistant Secretary
for Legislation

Mr. Dave Selden
President
American Federation of Teachers
1012 - 14th Street, N. W.
Washington, D. C.

GAO Education Study Hits Consultant Policy

By JOHN MATTHEWS

Star Staff Writer

One of the first examinations of the vast research contract activities of the U.S. Office of Education has turned up the fact that nearly \$2 million in federal funds was awarded to private consultants during the 1969 fiscal year.

Some consultants got as much as \$200 a day.

The special study of the General Accounting Office also shows that as of June 30, 1969, the office had about \$170 million worth of outstanding research or service contracts with profit and non-profit organizations outside the government.

The GAO report criticizes the office for failing to maintain a central registry of contract information and having no explicit standards limiting consultant fees or even requiring consultants to write reports. Both deficiencies are being corrected, the Office of Education told the investigators.

Conducted at the request of Rep. Edith Green, D-Ore., chairman of a House education subcommittee, the GAO study listed several examples of individual recipients of direct per diem consulting awards, describing them by their positions, but omitting their names.

The listing showed that during a six-month period last year an education program officer at the private Ford Foundation received \$13,222 for consultation; the president of the University of Iowa got a total of \$5,352; the president of Central Texas College, \$2,500, and an employee of a private consulting firm received \$988. Daily fees ranged from \$50 to \$122.

A private firm, the Academy for Educational Development Inc. of New York City, under contract to the Office of Education, hired as a consultant for four months a lieutenant colonel who is a professor of instructional technology at the Air Force Academy, according to GAO. The firm paid his salary of \$7,148 and travel expenses of \$4,326 and gave him an honorarium of \$525, the report stated.

GAO noted that the honorarium was paid to the lieutenant colonel "for the inconvenience of having to move to Denver" from nearby Colorado Springs. "In the past the comptroller general has ruled that amounts paid to members of the armed services similar to the honorarium . . . must be returned to the U.S. Treasury," the report added. "We are looking into this matter to see if this was done."

Only Tip of Iceberg?

The near \$2 million in consultation fees appears to be only the tip of the iceberg. The GAO report does not list consultants hired through Office of Education purchase orders or those hired by outside contractors.

In fiscal 1969, direct per diem consultant awards by the Office of Education totaled \$314,000. The office also paid a total of \$377,500 to 1,000 individuals hired as consultants to review proposals for research contracts and evaluate projects. The regional labs paid out \$1.1 million to consultants and the research centers, \$707,615.

While no totals are given for the amounts non-government contractors spend for consultants, a GAO examination of five contracts, costing \$1,084,000, showed that \$238,000 went to private consultants.

An analysis of 40 research contracts, picked from the 1,328 outstanding contracts, showed that 15 went to profit-making firms. Twenty-seven of the 40 contracts were unsolicited, single proposal awards, meaning that a profit or non-profit firm came to the Office of Education, proposed a project and was directly given the contract without competition.

Cited for Special Notice

"It is accurate to say that anyone with a brainstorm can come to Washington and get financing from OE or OEO" (Office of Economic Opportunity, the federal antipoverty office), Mrs. Green said during an interview yesterday.

Of the 15 contracts awarded to profit-making firms, 10 of them had the most desirable cost-plus-fixed-fee arrangement, guaranteeing the firms profits or fees ranging from 5.4 to 11.1 percent.

One of the firms cited for special notice in the GAO report is the Institute for Educational Development of New York City, headed by Dr. Sidney P. Marland Jr. who is reportedly in line for appointment as U.S. commissioner of education.

The \$141,000 contract to study the "impact of research on utilization of communications media for educational purposes" paid over \$13,000 to 23 outside consultants, four receiving fees of more than \$100 a day and one getting \$200, GAO reported.

An official of the non-profit firm, Dr. Dale E. Bussis, yesterday defended the consultants' fees, saying, "Certainly there is a variation in fees determined by the expertise of the consultant." He also disputed the GAO contract figure, saying the final award was for about \$130,000 and that the firm probably lost money on the contract. About one-third of the institute's business comes from government contracts or subcontracts, he said.

Most of the activities discussed in the GAO's report, under the prosaic title, "Selected Contracting and Consulting Activities of the Office of Education," cover the administration of the department by James E. Allen Jr., who was fired by the administration after his public opposition to the Cambodian incursion. Some contract awards mentioned, however, were made during the Johnson administration when Harold Howe II, now a Ford Foundation executive, was U.S. commissioner of education.

"No. 1 Growth Industries"

Yesterday, Mrs. Green said the report reflects her concern with what she calls the "education-poverty-industrial complex." Education and poverty are the "No. 1 growth industries in the country and they are drawing the same money that went into defense," she said.

Defense contractors, trying to bolster their economic position in the face of reduced weapons contracts, are busily entering the education and poverty fields she said. While the Defense Department—despite repeated cost overruns—has more experience in monitoring contracts, Mrs. Green said, "I have less confidence in OE and OEO because they have less experience."

Safeguards are badly needed, she said, and her own experience demonstrates that need.

Mrs. Green recalled being approached by two researchers who presented her with a paper they had done which she considered of doubtful value. Checking to determine whether their research was financed by the Office of Education, she was told no trace could be found of a research award by checking their names and the subject matter of their research. Another check some months later, however, did turn up the fact they had gotten an OE grant.

"I told them the least the Office of Education could do would be to maintain a 3-by-5 card file on their research contracts," Mrs. Green said.

Plans to Push Probes

She said she plans to continue investigating OE and OEO research and consultation activities. She has asked GAO to assign a full-time investigator to her office for several months.

Mrs. Green has been much criticized within the education profession for having a bias against research, especially since she called last year for a four-year "moratorium" on government awards of research contracts.

"With the limited money we have and my belief that there are many examples of successful educational programs, I take a dim view of programs that siphon off money which should be used to strengthen what we have," she said yesterday.

Nearly 60 percent of OE contracts, according to the GAO report, are made by the office's research bureau, which has gone through constant reorganizations and is now known as the National Center for Educational Research and Development.

About \$107 million of the \$276 million in outstanding contracts has been used to support the Office of Education's 15 regional education laboratories and 9 research and development centers based at universities. The yearly cost is \$32.4 million. Five of the laboratories, including one in Alexandria, Va., were shut down last year after several years of operation.

PITTSBURGH PUBLIC SCHOOLS
PITTSBURGH, PA. 15213

ADMINISTRATION BUILDING
BELLEFIELD AND FORBES AVENUES
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S. P. MARLAND, JR., SUPERINTENDENT

June 5, 1968

The Honorable Members of the Board of Education

Ladies and Gentlemen:

For the past five years it has been my privilege to serve as your superintendent of schools. I know of no more dedicated and devoted board in America. I count each of you as a friend as well as my superior. It is therefore with extraordinary pain that I offer my resignation at a date convenient to the board.

As some of you know, I have been called to a post of national responsibility in education that I feel I cannot in good conscience decline. I have been named to the presidency of the Institute for Educational Development in New York City. This Institute is a private, non-profit organization dedicated to the discovery and dissemination of solutions to the large problems of education, especially in the big cities of America. Through the Institute I hope to be able to join actively with Dr. John Gardner and his associates in the Urban Coalition in efforts to bring together the forces of industry and government in the search for solutions to the deep unsolved problems of racial equality, job training, and basic education in America.

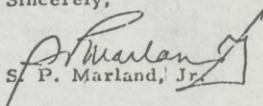
The twenty years that I have served as a superintendent of schools have necessarily made me a part of the "establishment" of education. The establishment is now undergoing major changes, in which I hope to be a useful and constructive contributor. By stepping aside from the superintendency, at least for a time, I feel that I shall be free of the natural constraints of office, and therefore serve education more effectively.

It is noteworthy that we have an exceptionally able and talented central staff organization in the Pittsburgh Public Schools. My resignation should cause no interruption of the good work now going on.

In taking this action, I especially regret the separation from board members, principals, central staff personnel and faculty whom I hold in deep respect and affection. My new duties should permit me to continue a warm and supportive relationship with the Pittsburgh Public Schools, and I shall look for opportunities to be of service.

Finally, I thank each of you for your confidence, your patience, and your understanding.

Sincerely,


S. P. Marland, Jr.

SPM:h

Mr. BIEMILLER. An area of major concern to us is Mr. Marland's record in labor relations.

Throughout his education career, Mr. Marland has been labeled as an "innovator" or "progressive educator." At the same time he has built a record as a reactionary, anti-teacher-union administrator.

In Winnetka, Ill., where he served as superintendent of schools, he immediately took out after collective bargaining by teachers.

Let me quote to you what he said to Winnetka teachers at that time:

"We shall not prosper as a profession * * * so long as we assume the unbecoming posture of coal miners or teamsters huddled in collective security."

Recalling this speech, he later said: "I knew that teacher unionism and I would be uneasy partners."

First of all, Mr. Chairman, there is nothing "easy" about collective bargaining relationships. They require honesty, forthrightness, and a willingness to compromise and cooperate. Mr. Marland was unwilling to attain these goals.

Second, we think it is an insult to the integrity of teachers for an administrator to tell them that if they join a union, somehow they will become less than professional.

Teachers found that the old way of letting paternalistic administrators assume the responsibility for fighting for teachers' salaries did not work.

No grocer ever gave a teacher a 15-percent discount simply because the customer was a professional.

Teachers have to live and support their families in the same society in which the rest of us live.

And teachers have found for themselves that collective bargaining works. It improves salaries. It gives teachers a stronger voice in making education work. It raises—rather than lowers—the dignity of their profession.

During his stay in Pittsburgh, Mr. Marland fought both the American Federation of Teachers and the National Education Association with new tactics.

It's them or me, he said. And when the teachers made their own decision, Mr. Marland quit.

Mr. Marland now tells this committee that he was making a poor joke—a play of words.

The residents of Pittsburgh did not think his comments were a joke, and he made no effort—at that time or up until his nomination—to change that impression.

The committee should decide whether it can accept Mr. Marland's 1970 excuses or his 1968 actions.

Further, we contend that he resorted to distortions of fact to prevent teachers from exercising their democratic right to choose whether or not they wanted to be represented by an organization in collective bargaining.

He told the teachers that the Pennsylvania attorney general had ruled that it was illegal for the Pittsburgh Board of Education to recognize an exclusive bargaining agent.

In fact, there was not—and to our knowledge there never has been—such a decision from the attorney general.

Mr. Marland admits now that the Pennsylvania State superintendent of public instruction informed him that there was no formal opinion of the attorney general. Mr. Marland told this committee that he was informed that the ruling was only that of the "house" attorney assigned to the department of public instruction.

Mr. Marland never told the teachers that. He left them with the impression that the ruling was binding, final and formal and delivered by the attorney general himself.

Let me now turn to an attempt by Mr. Marland—stage-managed by the Secretary of Health, Education, and Welfare—to urge the AFL-CIO to drop our objections to his nomination.

When he came over to the AFL-CIO, Mr. Marland met with members of our staff.

He told them that he had "changed" his mind about the rights of teachers to organize and bargain collectively.

He characterized his past record of opposition to this principle as "knee-jerk reactions."

However, his entire career—in Winnetka, Pittsburgh, and in a statement submitted to the general Subcommittee on Education of the House Committee on Education and Labor—is based on opposition to teacher unionism.

Now, when it comes to lobbying for his own job, Mr. Marland says he has changed his opinions.

This committee should ask itself what kind of a Commissioner of Education it wants. A man who stands on his record. Or a man who tries to cut a deal.

We firmly believe that as Commissioner of Education, Sidney Marland could throw a cold, wet blanket on collective-bargaining relationships at the local level.

His stance, his "example," and the prestige of the office represent a threat to collective bargaining in local school districts. If this Congress promotes a man with his record of opposition to teacher unionism, then local administrators seeking to further their own career could see this as the road to success. Furthermore, there is legislation pending in this Congress to give the Federal Government jurisdiction over teacher bargaining.

In his supplemental statement, Mr. Marland told this committee he supports this legislation.

If Sidney Marland feels "uneasy" with teacher unionism, we feel "uneasy" with Sidney Marland.

He practices the belief that teachers do not have the right to exercise their democratic choice of belonging to a union. To confirm a man with such beliefs would be to deny American history.

We would next like to turn to the question of Mr. Marland and ethics.

During the Haynsworth controversy, we addressed ourselves to "ethical sensitivity." We have applied the same test to this nomination.

In other words, we believe we must be concerned with the relationships and conditions under which important decisions are made. The atmosphere, the surroundings, the input are all related to ethical sensitivity.

During his tenure as president of the Institute for Educational

Development, Mr. Marland has been associated with many leading corporations.

Indeed, one of the purposes of IED was to provide counseling and assistance to corporations which then sought educational grants from State and Federal Governments.

We have no quarrel with such an advisory organization. But what we do question is whether he can now separate himself from the role as "advisor-for-a-fee" to one of complete objectivity.

The Commissioner of Education yearly approves millions of dollars in grants—many to private enterprise.

Now Mr. Marland would be in a position to sit in judgment on grant requests from corporations he may have been associated with in an advisory capacity.

He told this committee that he would disassociate himself from consideration of any grant requests from IED. Does he propose to disassociate himself from those requests made by organizations he was associated with at IED?

We are not raising the question that he may personally profit from these grants. But there does not have to be personal profit for there to be a conflict of interest.

We believe there is a conflict-of-interest question brought about by cronyism and favoritism. This committee should ask Mr. Marland to answer these questions.

Our concern is real. Because if he follows the past practice of IED, then there is real doubt as to his ability to be impartial.

For example, IED had no qualms about seeking and receiving a contract with the State of New Jersey to review performance contracts. We say no qualms because the Commissioner of Education for the State of New Jersey was, at the time, a member of the IED Board of Trustees.

This committee raised this question with Mr. Marland. And his answer was beyond belief.

He told the committee that the Commissioner resigned from the IED Board—on the advice of counsel, competent counsel, we believe—after the contract was awarded.

Mr. Marland told the committee he tried to persuade the man from resigning. He explained that he didn't believe there could be a conflict of interest in a nonprofit organization.

What standard of ethics is this?

There has been much criticism recently of independent consulting firms which design, implement, and then evaluate special school programs under Government contract.

One critic of this arrangement said recently:

"Such cozy arrangements are just hanky-panky and we should have no part of it. I find it repulsive * * * Evaluation at any level of government should be as pure as Caesar's wife."

That wasn't a statement by the AFL-CIO—although we agree with every word.

That was Sidney P. Marland, Jr., responding to a question by Senator Eagleton.

That is the same Sidney Marland who as president of IED hired consultants for an evaluation contract for the Office of Education.

Who did he hire as consultants for that study? Three men who had designed and implemented programs that IED and Marland were hired to evaluate.

The AFL-CIO agrees that such arrangements are "cozy," "hanky-panky." And we further agree that "we should have no part of it."

The AFL-CIO believes the Commissioner of Education should be above conflict of interest and above the suspicion of conflict of interest. And that specifically includes the cronyism and favoritism we believe is rampant in the record of the commissioner-designate.

Let us now turn to Dr. Marland's educational philosophy. Like the philosophy of the Nixon Administration, it is based on a de-emphasis of Federal responsibility. Throughout his writings and speeches, he proclaims this.

At a time of educational crisis, this country cannot afford to turn full responsibility for funding of schools over to the States and the local education agencies. Such a policy is nothing more than Federal irresponsibility.

What Dr. Marland seems to support is Federal funding—at an undetermined level—with a minimum amount of guidelines and regulations.

We say "seems to support" because Dr. Marland's answers to questions of committee members were hardly responsive. Time and again he pleaded ignorance of specific fields of legislation—particularly those dealing with financing. He didn't know, he said, enough about impact funds or rural education to answer questions.

We don't know where he stands on this issue and, we submit, neither does this committee. It is an area that certainly merits more inquiry by the committee.

In the 5 years since the passage of the historic Elementary and Secondary Education Act, Congress has rejected efforts to provide Federal funds as pure entitlements and permit the States and local education agencies to determine how and where the moneys should be spent.

The strongest supporters of Federal education legislation, including many of the members of this committee, have long understood the implications of the bloc-grant approach. In the South, this approach would mean little or no integration. For Northern cities, with large minority populations, it would mean continued inattention by rural and suburban-dominated State legislatures.

If recent studies of Federal spending for education have demonstrated anything, they have shown that—in the vast majority of cases—local education agencies have not been spending their moneys wisely. Yet, in the face of repeated evidence, the administration has announced plans to consolidate basic education programs into a gigantic bloc-grant approach.

On November 16, speaking to the council of chief State school officers in Miami Beach, HEW Secretary Elliot Richardson proposed legislation described by the Associated Press as "more bloc grants to the States with no strings attached." As reported by AP, the administration-backed bill would allow States to use bloc grants in five areas: vocational education, ESEA title I, children, education of the handicapped, supportive services such as libraries, and impact aid.

As the members of this committee know, turning vocational education into a bloc grant would have the effect of repealing the 1968 Vocational Education Act—bipartisan legislation aimed at making vocational education much more job-oriented in those States where present programs remain antiquated and ineffectual.

Turning ESEA title I into a bloc grant would reserve the efforts of the present Congress to insist that these funds truly be used for the disadvantaged.

Where does Mr. Marland stand in terms of this proposed legislation? We don't know, and his answer to Senator Pell's question was certainly not responsive or enlightening.

The AFL-CIO has opposed the bloc-grant approach and will continue to do so. We do not believe that the Federal Government can acknowledge the present failures of the educational system, provide inadequate funds, and let the States and localities look for their own answers.

The AFL-CIO believes that the problems of the schools are national in scope and require national answers.

The Federal Government cannot turn its back. It cannot simply call upon private industry to provide a remedy. It cannot deliberately cut back on needed funds. It cannot permit research and demonstration projects to substitute for full funding of the education programs adopted by the Congress.

Mr. Marland's writings, his record, and his testimony all indicate that while he voices proper concern, he totally fails to understand the national needs. We believe that educational philosophy is hardly in accord with recent congressional action or testimony presented before this committee by the Nation's major education organizations.

We would like to turn now to the way in which IED conducts its business. We feel there are many unanswered questions as to its method of operations.

If we take Mr. Marland's own statement on this question, there is a large gray area left open for questionable practices.

For example, school district "X" might retain IED to counsel it on reading programs. As a result of its work, IED may recommend utilization of equipment fitting specific purposes.

Even without specifically naming the product of any corporation, IED may structure its professional recommendations along a line that only one corporation's product could serve. Even if the recommendation doesn't go this far, the door is opened for the corporation salesman.

This would hardly be "protection of public interests." Lastly, Mr. Marland states that IED serves as "a third party in assessments of results." We believe such activity would be along the lines of Senator Eagleton's questions to Mr. Marland concerning "incestuous" practices.

Additionally, we are downright disturbed by IED's methods in contacting business clients.

As documented in our supplementary statement, IED, under Mr. Marland, arranged for a December 1968 meeting in New York City. Many business corporations were invited, and the Office of Education was induced to be a cosponsor.

The literature for the meeting pointed out to the businessmen how much money is being spent on education and encouraged their interest in this rapidly growing field.

Further, IED got American Telephone & Telegraph to "pledge" the necessary financial support.

The Office of Education was compromised by Mr. Marland and IED in their quest for new clients.

By arranging third-party financing of the sessions, Mr. Marland and IED already violated the "arm's-length" standards that a Government agency should practice in its dealings with private enterprise.

IED used the Office of Education to contact potential clients and got someone else to pay for it.

One of the ways Mr. Marland has proposed for closing the circle between education, industry, and Government is "tax incentives" for industry getting into the education business.

He stated, in the paper he prepared for the House subcommittee, that there is a need for a "very substantial increase in direct teaching and learning relationships between the business community and the schools, especially in the cities."

He proposes that "tax incentives may enhance this promising activity."

Inherent in this view is the belief that education can be improved by lowering taxes on business.

"Tax incentives" is a euphemism for subsidies for industry. They would deprive the general revenues of funds needed for fulfilling the Federal Government's education obligations.

Instead of placing these funds under the scrutiny of Congress, they would, supposedly, go directly from business to education.

There would be no checks as to the distribution or effectiveness of the money spent.

This is not an education program. It is tax relief for industry. And the AFL-CIO sees no reason for extending such relief.

For example, business's share of local property tax support of education has fallen drastically in recent years. To give industry an additional tax break would deprive education of the funds it so desperately needs.

Let me mention another factor in this nomination that concerns us—the factor of political determinations.

When the proposed Marland nomination was reported in the press, Senator Strom Thurmond objected. He objects no longer.

Newsweek magazine reported that Mr. Marland had a 90-minute, closed-door session with the Senator from South Carolina. In that session, Mr. Marland did one of two things:

Either he convinced the Senator that Sidney Marland was not an integrationist;

Or he convinced Senator Thurmond that integration wasn't all bad and won the Senator's support for integration.

The latter would be a political miracle. And we leave to the committee the determination of whether such a miracle took place.

Mr. Marland has expressed concern that more money must be spent to upgrade education, especially for the inner-city residents. We find that in strange contrast to his recent proposal for "job entry testing." High school students would take this examination, under his proposal,

and on the basis of their performance they probably would be channeled into certain jobs.

We find this to be little more than intellectual snobbery.

Indeed, Mr. Marland told this committee that he gets "a little bit radical on the subject."

Certainly, the educator Sidney Marland knows of the problems disadvantaged youths have in taking tests. We in the AFL-CIO know the problems, and that is why many unions run educational programs for disadvantaged youths before they take apprenticeship programs.

What Marland proposes is to put another hurdle between poverty-bound youth and a good-paying job. Followed to its logical conclusion this proposal would type them for life, restricting their mobility in a fluid society, at a time when the country is trying to maximize opportunities for individuals.

As Commissioner-designate he should be before this committee pleading for more money to help improve schools for ghetto and disadvantaged youngsters.

In many areas—particularly wealthy suburbs—children are educated with an eye toward passing tests, especially college-board tests. The push begins in junior high school.

But in the inner city and a lot of other poverty areas in the Nation there is little or no push.

With this proposal for earmarking youths for life through some job testing program, there is the risk of once again pushing the disadvantaged and poor test-taker to the bottom of the economic scale.

In summary, we believe this is a sorry nomination by an administration with a sorry education record.

Ethically, morally, practically, it is a bad choice.

In an effort to gloss over his opposition to teacher unions, Dr. Marland gives assurances he will meet as often as necessary—perhaps even once a month—with representatives of teacher organizations.

Labor does not ask that Government officials "check things out" with us.

We don't think it's necessary to huddle before every play is run.

Our taxes help pay the salary of the Commissioner of Education. And we have high standards for the man who holds that office. We want Government officials with the qualifications of objectivity and fairmindedness.

Labor's opposition to Sidney Marland has been characterized by some editorial writers as based solely on his antiteacher-union actions.

Certainly, his bias against teacher unions plays a role in our opposition. But it goes much deeper. It goes to the heart of this country's educational philosophy.

American labor played a proud part in developing that philosophy. Our first social cause was free public education.

We take a dim view of any effort to dilute that philosophy, and we think Dr. Marland's confirmation would.

In a way, the administration really nominated two men to this post.

There is the Sidney Marland whose public record includes outright opposition to teacher unions. And then there is the Sidney Marland who now calls collective bargaining by teachers "satisfactory, desirable, and a reality."

There is the Sidney Marland who draws the oppositions of Senator Strom Thurmond and the Sidney Marland who has the Senator's support.

There is the Sidney Marland who opposes "hanky-panky" and "cozy" arrangements and the Sidney Marland who practiced such arrangements.

There is the Sidney Marland who calls for help for poverty-area schools and the Sidney Marland who proposes a program that could keep disadvantaged youngsters at the bottom of the economic scale.

Which Sidney Marland is seeking confirmation as the Commissioner of Education?

We have repeatedly made it clear to this committee that we are opposed to this administration's education policies. We support the policies established by the Congress.

Therefore, for all the reasons we have cited, we call for the Senate to refuse to consent to this nomination.

The CHAIRMAN. Mr. Biemiller, that is a very powerful statement. I just regret that all 17 of the members of this committee could not be present to hear your presentation. As you know, the Senate is in session and the other committees are meeting.

Over on your statement on the conflict-of-interest part, page 6, we come to that part about the contract where Mr. Marland, you say, found no conflict between a Commissioner of Education being a member of the board of trustees for IED and awarding a contract to IED.

I concur with your belief; I don't see how it would be possible to have a much greater conflict of interest where you award a contract to yourself. I want to review that part of Mr. Marland's testimony personally before we pass on the nomination.

I agree with you about these bloc grants the administration seeks. I know many progressive programs we in the Congress have authorized with categorical grants, the Bureau of the Budget has virtually cut them out of the funding. We come up with some program that the Congress has found, through careful testimony and long hearings from leading educators of the country and people dealing with the problems, such as bilingual education, and the administration is not for it—all administrations. That is bureaucracy over in the Office of Education, so they come up with minuscule appropriations. I think based on the past performance, the bloc grants would practically cut it out.

In my State, taking the people over 25 years of age for which we have data, the Anglo-white has approximately 12 years of education, the black approximately 9 years of education, the Mexican Americans, who are the second-largest ethnic group in the State, $4\frac{7}{10}$ years of education. That $4\frac{7}{10}$ years isn't really $4\frac{7}{10}$ years, because they went to an English-speaking school from a Spanish-speaking family. They would go 4 or 5 years and get so embarrassed at being there and not knowing what was going on that they would drop out.

Another is the Carey-Yarborough media amendment to use the most modern electronic media in education—slides, projectors, motion pictures, television. We have had demonstrations where it has been proven that in biology classes the quantity of knowledge attained by the student and held can be increased by $33\frac{1}{3}$ to 50 percent a year by having the proper instruments around the room for each student.

The Office of Education wants categorical grants that will cut out moneys for this type of educational innovation. So we have found to get progress in education, we have to have categorical grants. Aside from the question of racial discrimination, they seem to have a block of their own against the progress of education to achieve more for the tax dollar.

I think one of the most serious things you raised is this giving tax credit to big business to take over education from the public sector and we have a dire warning in that in what has happened to the Post Office Department where the Kappel report was authored primarily by Mr. Kappel, the Chairman of the Board of A.T. & T. The postal service is declining so fast under the corporation concept they have enacted, it is going to pieces. I have no doubt A.T. & T. will have more business in the future because people just can't get a letter there. I see trucks on the streets with private parcel delivery; they have practically abolished parcel post. They have raised special delivery stamps to 45 cents and then reduced the service.

You have mentioned one thing about the declining percentage of the taxes paid by business in America to support the schools. Have you had an opportunity to study that in depth? Did that come from local taxing authorities who relieved them from taxes? Did it come from State authorities? From where did the reduction in their contribution come?

We know that corporations pay a smaller percentage of the total income taxes paid now than they did 5 or 10 years ago. While their vast profits increased over the years, their percentage of the total income taxes paid to the Federal Government declined as a part of that. While their total percentage of the bloc income over America, corporate and private, went up, that percentage went down through tax gimmickry and all.

Mr. BIEMILLER. That statement comes, Senator, from a study that has been made of local tax revenues. In 1957, business taxes accounted for 34.2 percent of the total State and local tax revenues.

The CHAIRMAN. 1957?

Mr. BIEMILLER. By 1967, the business community had reduced its share to 29.3 percent; that is the last year our economists found any thorough data on the subject. Our economists further estimate that if the business community had continued to maintain its relative share, the financially pressed State and local governments would have had another \$4.5 billion in 1967 tax revenue, 3 billion of which would have been from the property tax, which is the single most important source of public school financing.

The CHAIRMAN. So as the Federal Government put more money into schools, the corporations of the country reduced their contributions in that 10-year period to their percentage of tax involvement by how many billion dollars? It went down by how many billions?

Mr. BIEMILLER. We estimate that there would have been an additional \$4½ billion if the 1957 percentage had been maintained.

The CHAIRMAN. And the decline of that percentage of the taxes from 34.2 percent to 29.3 percent—we can figure it out—was a reduction of approximately 15 percent in what their share of the local tax burden was; they reduced their contributions during the decade of the great Federal involvement in education.

There are other members here entitled to be heard, Mr. Biemiller. In fairness to my colleagues, I will not pursue the questions further but I will divide the time with them. I will call on the distinguished Senator from Minnesota, Mr. Mondale.

Senator MONDALE. Thank you, Mr. Chairman. You can relax, Mr. Biemiller; I am not sure I have got a question. It is more of a statement.

We heard from Dr. Marland for, I think, 2 days of testimony, and I am not being critical of him, but I think his responses might be regarded as typical for Federal administrators, or at least some of them. He was asked by one of my colleagues whether he thought substantial new moneys were important to achieving educational opportunity in this country. I think he indicated that money would help but that we didn't really know enough yet to be sure.

He was asked about the importance of integration as a part of his strategy for equal education opportunities, and, in fairness to him, some of his answers were encouraging, but in terms of his office and what would happen out of there, I think the answers were somewhat vague.

In terms of a strategy for compensatory education for the disadvantaged, my impression was that he was waiting for more research data, although there were some hopeful things, like educational parks and so on.

Once again, I am not being critical of him, because I think these questions baffle all of us; but the point is, I didn't get any sense of direction as to where the Office of Education would go, what would be its chief emphasis and primary concerns under his leadership.

The thing that strikes me about this somewhat traditional approach is that I think it stands in dramatic and cataclysmic contrast to the reality of modern education and the damage being visited upon millions of schoolchildren who, I am convinced, simply don't have a chance. I think it is an issue, perhaps, greater than the hunger issue.

Right here in the District of Columbia recent tests of schoolchildren indicated that by about the sixth grade, they are 2.2 years behind the national average in reading and in arithmetic and there are some schools trying to find if the children have learned anything at all.

There is a big controversy as to whether the schools, as now equipped in this city, are capable of teaching children to read and to count. These are by very decent people, but there is a big issue about whether it is even possible to teach children to read and to count.

We had testimony the other day about Puerto Rican Americans. They are, I think, the third largest minority. In the city of New York, there are 250,000 Puerto Ricans in the school system. They can identify 200 of them last year who graduated with academic degrees which would equip them for college, and based on past figures, 60 percent of them would fail if they went on to college.

As to Mexican Americans, the problem is just as dramatic. I was in Uvalde, Tex., home of "Cactus Jack" Garner.

Some of the Mexican American parents in that community said they could never recall, in the history of that community, that a single Mexican American doctor or lawyer, maybe one priest, but no other professional men had ever, to their knowledge, come out of that school system who was Mexican American.

In the first grade, the Mexican Americans are the overwhelming majority, and by the time you get to the 12th grade, you need an FBI inspector to find one.

I don't have to go over the Indian educational problem. It is an unspeakable and cruel disaster.

I am convinced that there are several million children in this country who never have a chance and that the school situation is erratic, heartbreaking, and disastrous—and not just for poor children but for middle-class kids too who, I think, are being turned off as well.

Then we go into higher education, where, by almost everyone's report, there are nearly a million fully qualified children graduated from high school who can't go on to college solely because of financial reasons. Once again there is inequality. You take two gifted children—one from a wealthy family and one from a poor family—and the chances of the poor child going on to college are two or three times less than that of the wealthy parents.

Our private colleges are in terrible difficulty. Our black colleges throughout the South are all in danger of collapsing, and wherever we look, it seems to me that we are in the middle of an enormous, unspeakable disaster.

I can't quite reconcile the sort of "never-never land" and non-answers that we get out of the administration's educational spokesmen. I am not being critical of Dr. Marland, but there ought to be something that we think is worth trying in a big way to correct the enormity of a powerful and rich American society's saying to millions of its kids, "I am sorry, we can't help you; maybe the next generation will have a chance."

As I said, I promised a speech, and that is it. But I really can't quite justify this "wave-riding" response with the disaster that I think we are clearly in today.

Mr. BEMILLER. May I observe, Senator, that we concur heartily in your remarks, and certainly the thrust of our testimony and our appendix follows very much the line of reasoning that you have been developing.

Also as I stated in our prepared statement here before the committee, just to cite one of the problems you were mentioning, that of integration, we are still very puzzled how Dr. Marland got the seal of approval from Senator Strom Thurmond; this makes no sense to us at all. This is just one of the problems you were touching on.

Our director of education, Mr. Davis, I believe wants to make some remarks on this general subject.

Mr. DAVIS. Senator, I certainly concur with what you have been saying. We have been rather appalled, having gone through a struggle over the last decade to support the will of Congress in all levels of education; we were even calling the authorizations rather conservative, although we understood the problems of the country at the time. But the fact is, most of this legislation was reduced to a 50 percent or less appropriation, and we think this accounts for the fact that much of the work and vision under the legislation never got off the ground, and we think that is the basic cause of some of our problems today. So we certainly concur.

And in the higher education field, certainly, that is as it affects particularly our people who are the sons and daughters of workers in this country, the situation with respect to going to college is almost

impossible at this point. And if a family has two or three or more children of college age, then that aspiration is out of the window. So certainly this is what we are concerned about, too.

Senator MONDALE (presiding pro tempore). As you know, the cost of going to college has been inflating at a rate double the national inflation rate, which is pretty impressive by itself. If we are not careful—very quickly, as a matter of fact—I think college, once again, is going to be something for the well-to-do and not something which is available to the average young man or woman, regardless of his financial ability.

I think this is just another one of the tragic situations in which American education finds itself. I don't expect any answers, but I can't help but be concerned about that.

Senator JAVITS.

Senator JAVITS. Thank you, Mr. Chairman. Mr. Biemiller, I gather that this statement would have been made by George Meany if he were able to be present?

Mr. BIEMILLER. I so stated at the opening of this meeting.

Senator JAVITS. I am sorry I was not here. I was on the floor on another matter. I have just two points to clear up as to the position of the AFL-CIO.

DR. MARLAND ON TEACHER UNIONISM

I noticed in your prepared statement—you may have modified this when you made it, so correct me if I am wrong—you say, speaking of Dr. Marland: "However, his entire career—in Winnetka, Pittsburgh and in a statement submitted to the General Subcommittee on Education of the House Committee on Education and Labor—is based on opposition to teacher unionism."

Now, when I questioned him on this subject, this is what he said—this is page 52 of the stenographic transcript of the testimony:

"Senator JAVITS. If I read that paper correctly"—referring to the paper he wrote—"your present attitude as you would assume this high position as Commissioner of Education of the United States is summarized as follows—listen to me carefully, 'It is urged that Congress look with favor on the need for teachers to organize in order to gain adequate compensation and working conditions but that universal legislation be enacted in the national interest that will make the strike against children unnecessary. It will preserve for the people the governments of their schools.'

"Is that your attitude?"

"Dr. MARLAND. Substantially it is, Senator Javits."

This occurred only the other day—on November 19.

Dr. Marland continued: "I would hold that the strike is not a suitable solution to the resolution of differences between teachers and society and that the resort to force is not a sufficient way to solve problems of intellect among human beings.

"Senator Javits: But that collective bargaining for compensation, conditions, and so forth, by teachers through organizations of their own choosing which are uncontrolled by any but themselves, you accept as satisfactory and desirable?"

Dr. MARLAND. I accept it as satisfactory and desirable and as a reality and I would add I doubt that the Commissioner of Education

and certainly should I be confirmed for the post, would have any relationship whatever between States and local governments vis-a-vis teacher bargaining.

“Senator Javits: Insofar as you did this would be your policy?”

“Dr. Marland: That is right.”

Now the question, Mr. Biemiller, for this great organization for which you speak, is regarding that colloquy which Dr. Marland says is his policy. What you define in your statement as being a record against teacher unionism, is it based on present opposition to teacher unionism?

Mr. BIEMILLER. We have made it clear in our statement, Senator, that through 1968 there is no question what Dr. Marland's attitude on teacher unionism was; he was opposed to it. We, furthermore, in our statement, pointed out that we recognize that all of a sudden he has become a great convert, but we wonder what kind of a person this is who can so easily try to cut a deal when he is looking for a job which this committee has in its hands to decide. We just don't take seriously this great change in attitude that has suddenly taken place.

We also pointed out in our testimony that he had come over to talk to some of our people on this subject—Mr. Davis was one of those who sat in that meeting—where he said that his earlier reactions had been “knee-jerk” reactions, that he now suddenly is on the other side of the fence, and this is a very curious attitude for us to understand. Mr. Davis.

Mr. DAVIS. Just to supplement what Mr. Biemiller said with respect to that, Senator, we are convinced that Mr. Marland has agitated over this question for many, many years and throughout his writings he has tried to speak out of really both sides of his mouth.

His major concern is pointed out in the statement which he presented to the House subcommittee, which I will quote just briefly:

“Given limit on the resources and given a bargaining solution to a salary demand beyond the level of discretionary judgment by the governmental body”—speaking here of the school board—“the re-deployment of resources means that teachers' demands are satisfied at the expense of other program needs and the responsibilities of the buildings, community, and new instructional programs.”

What he was saying there is that collective bargaining of teachers with the school board would interfere with the board's means of planning these other things, and that is his main basis shown against the whole role of collective bargaining.

So I don't see how he can at this point indicate that he is in favor of collective bargaining, having made such a complete and precise statement on the subject.

Senator JAVITS. Mr. Biemiller, I take it, then—please correct me if I am wrong—that the statement within your written presentation, “* * * is based on opposition to teacher unionism,” that statement would not be correct if in good faith Dr. Marland was uttering the words that I read to you but that as the AFL-CIO says he is uttering them in bad faith. Really, the AFL-CIO challenges whether he really means it. that is why you persist in the representation to the committee that his entire career is based on opposition to teacher unionism, including now, is that correct?

Mr. BIEMILLER. May I slightly rephrase that? It appears to us to be a rather unusual situation for a man who in writing has been opposed to teacher unionism all of his life and suddenly comes before this committee when a job is at stake and has a complete change of mind. Frankly we are skeptical whether that kind of a person merits the confidence of this committee.

Senator JAVITS. But the "suddenly" does give us a 2-year lapse?

Mr. BIEMILLER. This statement just read by Mr. Davis is 1969, is it not?

Senator JAVITS. The statement read by me—

Mr. BIEMILLER. I know, within the last 2 weeks.

The CHAIRMAN. Also, it was made to the House committee; that was read out of his statement to the House committee, entitled "Needs of Elementary and Secondary Education for the 1970's," which he submitted to them.

Mr. DAVIS. The statement which you read, which Mr. Marland made here before this committee, is identical with the statement he read in the same document that I pointed out before the House subcommittee. So in the early part of the document he states, as I quoted earlier, his concern about collective bargaining. In the latter part of his statement he says: "It is urged that Congress look with favor upon the needs for teachers to organize in order to gain adequate compensation."

It is this situation that disturbs us.

Senator JAVITS. I was reading from the same paper you are referring to, and he answered the question, saying that was his view, so he was not inconsistent on that.

DR. MARLAND AND BUSINESS

Now the other charge you make against him is, he is too cozy with business, I gather. It is a little bit diffused in your statement. But I think it can generally be epitomized by the statement on page 10, "Inherent in this view is the belief that education can be improved by lowering taxes on business," and so on.

Now his answers to me on that subject were also interesting. Here is what he said, on page 53 of the stenographic transcript:

Senator JAVITS. So far as the so-called educational-industry complex is concerned, you do not find within yourself any bias in favor of the industrialization, as it were, of the educational process or plan?

Dr. MARLAND. Lest I answer that too quickly and perhaps convey too hasty an agreement, I would say that out there somewhere, Senator Javits, I hope there is a large and new relationship through which the power and the effect and, if you will, the success of American industry and business can be brought to bear to help the schools solve their problems.

I do mean this in selling products. I do not mean it necessarily of even profitmaking. I do mean it in terms of the desperate needs of our public schools to utilize the best resources we can find, and some of this may have to do with work-study.

It may have to do with industry coming in as individuals to work with teachers in classrooms, to work in laboratories, and to work in shops under the terms of the teacher, under the terms of the school system, but I hope to see a larger collaboration between the successful enterprises of this country and those that are now faltering in education.

Now my question is this: Is this policy which he states will be his policy, unacceptable; or does the AFL-CIO object to this policy as objectionable, or is it again the "bad faith" issue?

Mr. DAVIS. With respect to his concept of introducing the business community into the public education field, that per se is not an objectionable situation.

Senator JAVITS. Is not objectionable?

Mr. DAVIS. Is not an objectionable situation. We feel there can be a contribution made in certain types of programs. We certainly feel this is also true of labor, to introduce young people into the world of work.

So our objection is the so-called concept of partnership between the business community, the educational community, and the Government in that a partnership in our term of reference means equality among people. It means loss of control on the part of the public school system.

It further means that the role identified by Mr. Marland is one in which the business community is in position to peddle its wares in the chaotic situation in the educational field, and a matter which we will address ourselves to in a more comprehensive analysis later on, in a month or so.

But in any event, to answer your question more specifically, Senator, the one single program that Mr. Marland referred to, and we do not regard as an objectionable program here, that is the one I spoke of, the one in New York.

Senator JAVITS. I didn't get that?

Mr. DAVIS. The one he referred to was a question of a business corporation involving itself in the program to acquaint young people with what the world of work is about or what the particular industry is about—that program is not objectionable, as we said.

Senator JAVITS. I am trying to get really what the objection is. So your objection is based not upon what he said, but your assumptions as to the extension of what he said into some kind of a partnership between education and business. Is that right?

Mr. DAVIS. That is right.

Senator JAVITS. Is there any charge of bad faith in the representations he made to us as to his attitude on this subject with respect to business and education, as for example, with respect to unionism, where you say you just don't trust this conversion?

Mr. DAVIS. With respect to that, what we are concerned about, in his own literature, the Institute for Educational Development, it spells out as part of its purpose to help bring the corporate society into public education, and by 1975, according to their own estimates, the total outlays in this country will be in the neighborhood of \$91 billion.

Now this, of course, would make very interesting endeavors on the part of a lot of groups in the country who are selling techniques, programs which really will have no value in terms of improving the skills of young people or to treat some of the problems which we think the legislation which has been passed has addressed itself to.

Senator JAVITS. Whether you had Dr. Marland or not, isn't it a fact that the overwhelming bulk of that \$91 billion would be spent with a private enterprise system?

Mr. DAVIS. It is a question of control here.

Senator JAVITS. But the fact is, whoever is running the educational plant of the country is going to do business with the private enterprise system.

Mr. DAVIS. To some extent.

Senator JAVITS. Well, the AFL-CIO does not support transforming all school supplies into Government manufacture, does it?

Mr. DAVIS. Not at all.

Senator JAVITS. On the contrary, the A.F. of L. is a great supporter of private enterprise, so it is a question of who is going to manage the show rather than the substantive question of who you buy from?

Mr. DAVIS. That is right.

The Chairman. Senator Stevenson.

Senator STEVENSON. No questions.

Mr. BIEMILLER. Mr. Chairman, we would just like to say we are very happy to welcome Senator Stevenson to the committee.

The CHAIRMAN. I want to clarify my statement to you about the corporate involvement in education. Of course, I have no objection to the corporations manufacturing books, supplies for schools, building of school buildings, contractors, any of the services normally identified with free enterprise in this country.

But what we were talking about was giving them tax incentives, giving them a subsidy for their participation. Well, they figure their taxes into what it costs them to manufacture a schoolbook.

And I might say the schoolbooks manufactured for use in the primary grades are the best manufactured books in America. They have special treated paper so the grease on children's hands won't permeate them and dissolve; they have to be, the backs are the best. When it comes to the construction of the book, the paper and the binding and all, the best manufactured books in America are those used for primary students. They have made great contributions there.

But this business of taking over the management of the schools and getting a tax break for taking over, being the educators themselves rather than the educators whose experience teaches them which is the best textbook, which is the best supply, which is the best sound recording system for your foreign language labs and your science labs that we put into the public schools of America through the National Defense Education Act of 1958 with the congressional money, the people's money, the tax money, that is a horse of a different color.

That is what I was referring to, not the manufacturers; we want them to be competitive, to manufacture and sell to the schools as economically as they can, the best possible equipment.

Mr. BIEMILLER. Senator, you state our case very ably and we appreciate your agreement with us.

May I simply add this, that I think Senator Mondale and some of your earlier remarks—Senator Mondale's remarks—clearly lay before this committee the problem that you have got a real area of doubt around here.

This committee, under your leadership, Senator Yarborough, and with the full cooperation of the great majority of the members of your committee, has done some excellent things in the field of education. As Senator Mondale inferred, there is still a lot to be done, and I know you would be the first, Mr. Chairman, to agree.

We would hope that this committee would continue to go ahead on the policies it has pursued and not be bound down by the kind of policies which this administration has been talking about.

The AFL-CIO intends early next year to issue a rather thorough critique of the whole education problem facing this country, and we regret you won't be here to help us try to put that into effect, but we are happy that Senator Mondale and Senator Stevenson and the others who have worked so hard on this committee will be around at that time.

The CHAIRMAN. Yes, I am very much encouraged, Andy, that we have joined on the committee Senator Stevenson and the other Senators on our side of the aisle who have expressed a desire and interest to come on this committee. So you will lose nothing in drive and will and determination by my leaving this committee, insofar as our side of the committee is concerned.

As to the ones who want to come on here, and I feel there are people who will, they want to do more for education. The system is entirely different than 13 years ago when I came on this committee—nobody wanted it. A couple of friends said, "Ralph, what do you want to get on that committee for? You will get beaten if you try to do something for education."

So, having taught school for 3 years in the public schools and having been general counsel for the State of Texas for 4 years, and having taught law in the University of Texas Law School in my younger days, I have been involved as a private counsel representing independent school districts and college districts, I have been involved in some way or other, either full time or part time, with education.

So I am grateful that the people of my State gave me this opportunity to serve 13 years on this subcommittee and see this great movement forward, of education in America.

Sitting right in your seat a few years ago, the president of the Encyclopaedia Britannica testified, and he said this is the greatest explosion of learning of any nation on earth, that in rewriting the Encyclopaedia Britannica, "we are having to change 10 million words to fit the great explosion of learning in America. Everybody is studying, adults and all."

I said, "When did it start?" He said, "It is difficult to tell. Maybe with the GI bill; but," he said, "if as a historian I had to pick one thing only and say that is the year it started, I would say 1958, with the National Defense Education Act, with its seven different titles, its modern electronic media in the schools, its teacher institutes for the summer, its first Federal loan program." I won't count all the seven titles.

But I just want to say in 13 years, this has been the great privilege of my life, the greatest opportunity to see education move. And as you point out so ably, we know now what we need. People no longer take the set "It's got to be like it is." There is more undeveloped talent in the country that needs to be touched for the benefit of themselves, their families, and this Nation.

I am confident the Congress will never turn its back on this progress, but once having achieved this, once having seen the light and moved forward, it will be a better educational day in America.

We want to thank you and the labor movement, the labor movement having started over 140 years ago to support public education.

I have a bill in to support public free education through 14 grades. We have reached the point now of free public education through high

school; we need free public education through junior college. California has it now; we need it in all the 50 States. I have a national bill to subsidize those States, to let them have free public education through 14 grades.

Senator Mondale?

Senator MONDALE. I just wanted to ask one final question here. The following questions and answers were posed by Senator Eagleton to Dr. Marland. I would just like your response:

Senator EAGLETON. Would you clarify then what I deem for the moment to be somewhat of an inconsistency between your statement, "Strikes are not suitable," in response to Senator Javits' question, and the statement that appears on page 4 of your prepared statement?

Dr. MARLAND. It sounds ambiguous. I mean it not to be, and let me try to quickly clarify it. I am definitely opposed to strikes by teachers. I would do all I could to find a better way to resolve difficulties between society and its teachers.

I have to admit that ultimately an individual is not bound to fill a position against his will. A teacher can withhold his services; he can resign; he can separate in whatever form he may, obviously.

I felt in taking the strong position I have against the strike, and my dedication of finding better ways to resolve difficulties, that I have at least to say, that is the reason for that phrasing in here, that obviously teachers at some point can decide not to work any more for an organization that they don't want to work for.

Senator EAGLETON. As one of the possible hopes or ways of avoiding the last-resort system to strike, do you envision what Senator Morse used to call negotiation to finality?

Dr. MARLAND. It is among the alternatives to explore, but I would have to hold in the swift evolution in which we are engaged in terms of the deep social issues surrounding us, that we have not reached the end of all truth, Senator Eagleton, and we have not reached the fulfillment of all of our ideals; and I simply say this far up the scale, I passionately believe in teachers.

I have devoted my life to them, and we should find ways and lead others to ways of finding means by intellect, by creativity. There is some means out there we have not discovered.

Perhaps arbitration leads us that way, or perhaps we have not found or given a name to what is out there.

All I know is that teachers and the better minds that can be brought to bear on the subject should look to ways of resolving these differences without force.

On behalf of the labor movement, how do you react to that?

Mr. BIEMILLER. In the first place, may I observe that it is hardly a startling observation for Dr. Marland to make, that teachers have the right to resign; of course, they do. That is exactly what we don't want, that teachers are forced to resign their jobs.

The labor movement has always said that we would like to find ways and means of settling disputes without strikes. But we have always said furthermore that collective bargaining is not sound collective bargaining without the ultimate right to strike.

We certainly favor the kind of laws which we have recently sent a model of to our State organizations, that would encourage an attempt to settle disputes by collective bargaining, and if necessary, by agreed-upon arbitration. I stress "agreed-upon arbitration," voluntary arbitration.

But we have never at any time said that we felt that teachers or any other group of employees should be denied the right to strike.

The CHAIRMAN. Senator Saxbe?

Senator SAXBE. I have no questions.

The CHAIRMAN. Thank you, Mr. Biemiller.

The next witness is Mr. David Selden, president of the American Federation of Teachers, AFL-CIO.

The CHAIRMAN. Mr. Selden, you have accompanying you your legislative representative?

Mr. SELDEN. Yes; Carl J. Megel.

The CHAIRMAN. We welcome you before the committee, also. You may proceed in your own way.

STATEMENT OF DAVID SELDEN, PRESIDENT, AMERICAN FEDERATION OF TEACHERS, AFL-CIO; ACCOMPANIED BY CARL J. MEGAL, LEGISLATIVE REPRESENTATIVE

Mr. SELDEN. Mr. Chairman, members of the committee, I have a brief statement to make.

I am David Selden, president of the American Federation of Teachers, AFL-CIO. I am appearing before you today to oppose confirmation of Sidney P. Marland, Jr., as U.S. Commissioner of Education.

I wish to emphasize at the outset that I concur in all the points made in the formal statement by George Meany, president of the AFL-CIO. His statement speaks well on behalf of working teachers. However, there is one additional concept which should be emphasized.

NEED FOR AN INDEPENDENT OFFICE OF EDUCATION

The U.S. Office of Education has long been a stepchild of the Federal Government. For many years it was primarily a statistic gathering agency—without adequate staff to produce significant research. In more recent times, with the expansion of federally assisted educational programs, the most important function of the USOE has been fund distribution.

In order to systematize the distribution of Federal funds, the Office of Education has developed guidelines for local education authorities, State education departments, and institutions of higher education. Thus, the Office of Education has moved into the policy-making area. The Commissioner now makes recommendations to the President and to Congress, and adopts administrative policy for the purpose of carrying out the general policy declarations contained in legislation.

The American Federation of Teachers has campaigned strongly for Federal educational funds to aid educational institutions struggling to meet the vastly expanded responsibilities thrust upon them by the changes in American society. The shortage of Federal funds inevitably has preempted many policy options. School districts have been forced to follow the rule of "most education for the greatest number."

As a consequence, hundreds of thousands of children, who have not conformed to the accepted white middle class norm because of race and socioeconomic status, have been neglected.

However, within the constrictions of current Federal fiscal policy, there are still important educational policy decisions to be made. Any more-than-casual observer of American society or American education must conclude that our Nation is in desperate need of a national educational strategy.

That strategy should not be left to political happenstance, nor should it be trimmed to the convenience of whatever national administration happens to be in command of the executive branch at any particular time.

At the present time, the U.S. Office of Education has no discernible educational strategy. Instead, educational policy is set by a number of agencies within and without the Office of Education, and now there is even talk of creating still another such agency for the purpose of "child development."

Federal funds for the assistance of education should be dispensed by a single agency, and those funds should be paid out in accordance with a national educational policy based on educating a far greater number of American children than at present, in the best way possible, regardless of political considerations.

The way to accomplish this purpose is to establish the Commissioner of Education as a long-term appointment (perhaps 5 years), immediately responsible to a representative governing commission. There are many models for such a governmental device—the Tennessee Valley Authority, for instance.

Of course, no such device can be entirely free from flaws, but it certainly would be preferable to the recent revolving-door, politically controlled nature of the Office of Commissioner of Education.

Although many educators would disagree with me, I believe that establishing the Office of Education as a quasi-independent agency has considerably more merit than awarding the Commissioner of Education the empty honor of Cabinet rank with its accompanying responsibility to subordinate independent judgment to political expedience. I don't mean to denigrate Cabinet rank, but if we are interested in removing educational policy from the political apparatus of the Government, awarding the Commissioner Cabinet rank is not the best way to do it. Cabinet officers are expected to support the President and the administration. What we want is a continuing policy based on what is good for children.

MR. MARLAND LACKS SUPPORT OF SOME SIGNIFICANT SECTIONS OF THE COMMUNITY

Even under the present state of diffusion, confusion, and politics within which the U.S. Commissioner of Education is expected to function, Sidney P. Marland, Jr., is unsuitable because he lacks the support of a significant section of the American educational community and he lacks the support of a significant section of American society as a whole.

There are thousands of teachers—more than 200,000 in the American Federation of Teachers, and hundreds of thousands of others—who mistrust Mr. Marland, not necessarily on the basis of what he says today or what he did last week or last month, but on the basis of his record as a school administrator.

Undoubtedly, Mr. Marland has considerable ability. He has been superintendent in Darien, Conn.; Winnetka, Ill.; and Pittsburgh, Pa.; and now he heads a well-financed non-profit corporation—an upward progression. However, in each of these positions he has attempted to develop a paternalistic relationship with teachers.

Mr. Marland has consistently avoided the term "negotiation" while at the same time maintaining a preference for "consultation." There is a vast difference between the two.

Mr. Marland, discussing the functions of school superintendents at the 1965 White House Conference—I happened to be on the same program—quoted Governor Morris' remark about Louis XVI to the effect that Louis was "not a bad man as monarchs go." It is our belief that autocracy, even of the paternalistic variety, has no place in the relations between teachers and the school administration.

President George Meany has made it abundantly clear that Mr. Marland not only lacks the support of, but is opposed by, the AFL-CIO; that is, 15 million people who are members of the organized labor movement. I wish to assure you that Mr. Meany did not take this position simply because an AFL-CIO affiliate, the AFT, asked him to.

The AFL-CIO and the AFT regard educational policy as being in the public domain. Broad social policy is involved in the functioning of an American educational system. This broad social policy transcends, although it does not conflict with, the concerns of teachers as workers. Thus the AFL-CIO arrived at its decision to oppose Mr. Marland with very little prompting from the teachers' union.

Since the AFT and the AFL-CIO are both responsible American organizations concerned about the present and future of our schools, the fact that these organizations are opposed to Mr. Marland ought to be reason enough in itself for urging the President to seek someone else for this post.

Furthermore, the fact that a competing organization, the National Education Association, which prides itself on its isolation from the AFL-CIO and its opposition to unions for teachers, supports the confirmation of Mr. Marland, merely indicates that there is a controversy here where there should be consensus.

We could document the basic reasons why we oppose the confirmation of Mr. Marland. We could cite detail to support our assertion that his attitude is essentially paternalistic. We could cite particulars to show that Mr. Marland is pursuing a policy even now of much greater involvement by private enterprise in what has heretofore been public education.

For instance, we understand that he has been "on the job" since last summer, and has been interviewing applicants for high-ranking positions in OE; many of these prospective appointees come from private industry.

Certainly his actions in Pittsburgh had the effect of opposing the local union and favoring the local non-union association. Many of these details have been included in the statement submitted by President Meany. I will be happy to provide additional details if any member of the committee wishes me to.

For the above reasons, therefore, the appointment of Sidney Marland would not be a step toward making the Office of Education the independent, responsible Government agency which we advocate. As a matter of fact, we see this appointment as a continuing failure by the administration to face up to the educational needs of the schools.

The CHAIRMAN. Thank you very much for the points you bring before us here for our consideration.

As an amateur historian, in your reference to Louis XVI. I assume you are not advocating the same unhappy ending for Mr. Marland.

Mr. SELDEN. No, not necessarily.

The CHAIRMAN. Senator Mondale?

Senator MONDALE. It happens to politicians all the time.

The CHAIRMAN. We are accustomed to it, but not quite with the permanency Louis suffered it.

Senator MONDALE. I have one question, but first I would like to make one observation. I don't have much hope for a structural answer to the need for a national educational policy. But I think a department of Education might be helpful.

What is really needed is a national decision to take education seriously. What is missing, it seems to me, has been missing too long in American life, is a decision that the education problem is far more serious, far more deserving of our resources and of our best talents than has been the case today.

I think any kind of changes of the kind you have been discussing may be marginally helpful but won't solve the problem.

I think you were here when I asked Mr. Biemiller about Mr. Marland's responses to questions about the main instrument for educational reform—more money, and about new strategies for compensatory education. The answers were not outrageous, I think they were somewhat typical; but I think from it all comes a lack of a sense of direction. There may be one, but at least based on this record, I don't sense a plan to move in one strong way or another.

I think you were here when I asked the question, and I don't want to repeat it, but maybe you can give us your response.

Mr. SELDEN. You used the term "wave-riding," and that struck me as being quite appropriate. I think that anyone who thinks that he can bring about any kind of major improvement in public education without spending a lot more money just isn't facing facts, not facing the reality of the situation.

What you do with the money is certainly subject to argument, but you can't do much unless you are willing to put more money into it. We have proposals to improve elementary schools. We think that there should be priorities established in education, and we think that elementary education, particularly in the big-city ghettos and in some pockets of rural poverty, should receive No. 1 priority.

We could profitably spend with our present structure at least \$15 billion more a year on education, and not waste any more than would normally be expected in any kind of a large operation. I believe that our existence as a nation is involved in the crisis in education; that short of a drastic redistribution of the wealth in this country, the only way to create social mobility is through increased education. Without social mobility, we will deprive vast sections of the Nation of hope, and when people have no hope in the system, they seek alternative methods. Therefore, our future lies in really addressing ourselves to the education problem.

We talked with Dr. Marland, too. We found that he is an agreeable fellow. He may see "out there somewhere," as he says, a policy or a strategy. He didn't impress it on us. When we met with him, he didn't ask us to back him in accomplishing this or that objective. He simply defended himself or shunted aside criticisms of him that had been made.

Senator MONDALE. Thank you very much.

The CHAIRMAN. Senator Saxbe?

Senator SAXBE. No questions.

The CHAIRMAN. Senator Stevenson?

Senator STEVENSON. No questions.

The CHAIRMAN. This is a peripheral issue, perhaps, here, but I am very much impressed with your recommendation that perhaps the Commissioner of Education ought to be a long-term appointment, perhaps 5 years, and responsible to a representative governing commission or some other system to give it some stability, and not, as you put it, the revolving-door situation where you say it is the empty honor of Cabinet rank with its accompanying responsibility to subordinate independent judgment to political expedience.

In other words, you point out, elevating the Commissioner of Education to Cabinet rank would not alleviate the situation. That sentence of yours caused me to pause and reflect on the decline in the American history of the status of Cabinet officers, where it was a common occurrence for a Cabinet officer, primarily a Secretary of State, to become President. I think the last Cabinet officer we had to be nominated for the Presidency was President Taft in 1908, over 60 years ago.

We have seen a declining status of the Cabinet officer due to what you say, having to subordinate his independent judgment to expedience. What we are really talking about is an inexperienced palace guard around the President, and White House-dominated Cabinet officers such as we now have.

Some have been elected Governors, one was the president of a great land grant university for years.

I hope that what has happened to the Cabinet of the United States as an institution does not happen to the Senate as an institution, or it too will become this way. This last campaign was never to make a rubber-stamp for the executive. It was open and clearcut, this was a demand over the country to have Senators—It is called to my attention that Herbert Hoover had been Secretary of Commerce, and Well-lact was Secretary of Agriculture. Well, they have done a little better than I was giving them credit for.

But in the actual execution of the office, it has been more and more difficult, taking orders from someone else.

I might mention the last Cabinet officer relieved of his job. I have been told within the past 24 hours by Americans just back from Europe that the summary firing of Secretary Hickel had caused dismay in Europe because he had been known as a man who was opposed to the pollution of the oceans of the world. They had begun to look to him as a hope, for this ocean pollution that is going on.

Mr. SELDEN. May I just add one observation?

What I am talking about was prompted by what happened to the last Commissioner of Education. He was a man of considerable standing. Unlike Mr. Marland, he had been a State commissioner of education, had administered a very large bureaucracy in the largest State of the Nation. He came in with very high recommendations.

He was given no people and no money. And when he voiced a rather mild criticism of the war in Southeast Asia, he was dismissed.

Now I think that is really a tragedy, and the American educational community ought not to condone that sort of thing and we ought not to try to gloss it over by agreeable words.

A SENATOR'S VIEW ON PRESERVING PRESIDENTIAL PREROGATIVES

Mr. SAXBE. Mr. Chairman, I would just like to comment on the fact that we have turned up an unusual discussion here this morning, one that I am sure is not new and one that continues. That is the idea that we always look to an agency that will operate independently.

We hear this in State government; we hear it in county government. We are going to get politicians out of the operation of the dump at the local level, or we are going to get politicians out of the operation of the Office of Education at the top level.

But I would just like to remind those that look to this never-never-land that our system is based on political responsibility, and if we would presume to set up an independent educational agency, it would wind up exactly the same. Because somebody has to be President; "The buck stops some place," as Harry Truman said, and you have to stand for election.

I know that this idea is extremely attractive; it is especially attractive when we have no responsibility. The only solution, of course, is a Fascist state where we have people telling you, "We know what is good for you, and therefore this is it."

Now I don't agree with the decline of the Cabinet. I certainly don't agree with the summary "canning" of Cabinet officials; men that I supported. I certainly don't agree with the attitude that a Cabinet official should fetch and carry, regardless of what his own personal political views are.

But at the same time, in our system of government one can has to be responsible. I cannot look with a great deal of encouragement or a great deal of favor on a system which would put or attempt to put people above politics, simply because sooner or later it comes right back: "Who is going to select the man"? Just as you would want to select the man to be the commissioner of education, there would be people dissatisfied with your selection; so the man who selects someone opposed to you is going to have your opposition. That man is never going to be a consensus appointment. He is always going to have people who say he is not qualified for the job, and the man who appoints him will say he is qualified for the job.

I agree with a great many of your statements, but when it comes down to the pure philosophy of democratic operation, I am inclined to feel that we get a little bit too idealistic when we think that we can put any department, whether it is Education or another beyond direct responsibility.

Today we have an agency which is as far beyond political control as any could be, the FBI. You know the great complaints that are arising now because they say that the man has been there too long and that he is no longer responsive to the country that he is running an empire. This always occur when responsiveness is eliminated.

The CHAIRMAN. Thank you, Senator.

Mr. SELDEN. Mr. Chairman, just briefly, I want to point out that there was consensus on the last three appointments to the office of the U.S. Commissioner of Education. Neither we, nor the AFL-CIO, nor any other major organization interested in education, objected to any one of those three appointees, they sailed through very smoothly.

What I am advocating—and I agree it is a little bit beside the point; perhaps some other remarks have been, too—is an organization

which can make an independent judgment on what is good for the country; what educational strategy will be best in view of the limitations under which we operate.

Now I am not advocating an agency which would be free from political control; far from it. I think, though, that the U.S. Commissioner of Education ought to be able to speak his mind, ought to be able to advise Congress as well as the President, ought to be able to advise the people of the United States what is good for them educationally, and then the Congress, along with the President, acting through our democratic processes, can make decisions on some basis of adequate knowledge.

The CHAIRMAN. I concur with the distinguished Senator from Ohio, this is a Government of, by, and for the people, and we should not create branches above the people. After all, in a democracy the people have the right to say what kind of government they want, whether the people temporarily in office agree with them or not, and what policies they desire to follow.

My earlier comments didn't mean to deviate from that basic philosophy, the Jeffersonian philosophy of the right of the people to rule.

This concludes the list of witnesses for today, and I believe the other witnesses who have earlier asked to testify have consented to put their statements in writing in the record.

I will leave the record open until 5 p.m. Friday, December 4, for the filing of any statements from anyone.

I have a number of letters in my office, both in support of the nomination and in opposition to it.

At this point I order printed statements of those who could not attend, and other pertinent material submitted for the record.

(The material referred to follows:)

Statement by
Mrs. Helen P. Bain, President
National Education Association
before the
Labor and Public Welfare Committee
of the United States Senate
on the nomination of
Sidney P. Marland, Jr.
as U.S. Commissioner of Education
December 1, 1970

Mr. Chairman and Members of the Committee, I am pleased to have this opportunity to speak for the National Education Association in behalf of the nomination of Sidney P. Marland, Jr., as U.S. Commissioner of Education.

It is imperative that the Commissioner of Education be an experienced educator and administrator who understands the pressing needs of the schools and possesses the leadership qualities required of the nation's chief educational spokesman. For Congress has recently enacted a series of exciting and challenging federal programs to help state and local school systems improve and expand educational opportunities for children and youth.

Today, some 58 of 153 key positions in the Office of Education are vacant. They will not be filled until a strong and aggressive Commissioner is confirmed and USOE gets on with its vital tasks of assisting the schools.

President Nixon recently nominated Dr. Marland, former superintendent of the Pittsburgh, Pa., school system to fill the post vacated several months ago by Commissioner James E. Allen. Immediately after the announcement of this nomination, the NEA Executive Committee responded to an invitation to meet with YEW Secretary Elliot L. Richardson and Dr. Marland by inviting them to NEA headquarters.

Following an extensive discussion with Mr. Richardson and Dr. Marland over the major priorities of the NEA for 1970-71, the Executive Committee found Dr. Marland's philosophy and plans for action consistent with NEA goals and therefore unanimously endorsed his nomination. During this discussion Dr. Marland assured the Executive Committee that if appointed he would consult with the teaching profession on all major issues and would welcome their advice at any time. The affiliates of NEA have overwhelmingly concurred in the judgment of the Executive Committee and the Board of Directors on this nomination.

Dr. Marland is president of the Institute for Educational Development, a non-profit organization headquartered in New York City and devoted to educational consulting and research. This organization operates with funds derived from the Ford Foundation, the Sloan Foundation, the Meade Corporation, and from contracts with the Federal Government and other governmental and private organizations.

In its work with local school boards the Institute performs two important functions: (1) Assisting large corporations in making their expertise and resources available to schools, especially in the inner cities; and (2) serving as a guardian of the public interest by monitoring and evaluating programs in which commercial interests provide materials or services. In performing these tasks, the Institute encourages innovation and experimentation while protecting against the undue influence of profit-seeking interests.

Dr. Marland brings impressive teaching and administrative credentials to his new post. Prior to World War II he taught English at West Hartford (Conn.) High School. Following military service he pursued graduate studies, receiving his doctorate in school administration in 1955. He later served as superintendent of schools in Darien, Conn., and Winnetka, Ill.

In 1963, Dr. Marland accepted the post of superintendent of schools in Pittsburgh, where he served until 1968. In Pittsburgh he was responsible for the development of numerous educational innovations including team teaching, pre-primary programs,

programs for the academically talented, compensatory programs, and many new developments in vocational-technical education.

Dr. Marland exerted aggressive leadership in the sensitive area of racial equality during his years in Pittsburgh. He actively recruited black educators for supervisory positions. He established the first of a regular series of meetings with civil rights groups in the community; developed a pupil assignment plan to allow black students to transfer out of overcrowded schools; pioneered compensatory education and a college preparation program for black students; and offered competitive salaries to attract able teachers to inner city schools.

He launched a bold integration plan for the city, keyed to the "Five Great High Schools," each to accommodate 5000 students and to serve an area sufficiently large to encompass children of all backgrounds.

To implement his innovative ideas for the Pittsburgh schools, Dr. Marland sought--and obtained--\$6 million from interested foundations, and mounted a massive and successful campaign for revision of the state's school aid formulas. He also recruited a broad base of community support for the school program, including civic and business leadership, while stressing the primacy of public control over the educational system.

Dr. Marland contributed his knowledge and expertise to the landmark education programs enacted by Congress during the mid-Sixties. As a member of the celebrated Gardner Task Force of 1964, he helped shape legislation which emerged as Title III of the Elementary and Secondary Education Act of 1965. This Title has funded hundreds of far-reaching experiments in curriculum development and teaching methods and the establishment of supplementary education services and centers.

Dr. Marland has served on many important public policy committees, including the board of directors of the National Educational Television, the National Merit Scholarship Corporation, and the Joint Council on Economic Education, and on the Presidential Advisory Councils on Education of Disadvantaged Children and the Office of Economic Opportunity. He is chairman of the U.S. Office of Education's EPDA

Training Institute for Education Administration Leadership. He is chairman of the board of visitors, School of Education, University of Pittsburgh, and serves on the visiting committee of the Board of Overseers, Harvard College. He is a director of the Washington Internship in Education. This service has added immeasurably to his credentials as nominee to the post of U.S. Commissioner of Education.

In announcing the nomination of Dr. Marland at a recent press conference, HEW Secretary Richardson said he had made a very exhaustive search for a man who would "combine not only experience and background in educational administration and teaching, but who also would bring to the commissionership a receptivity to new ideas and the capacity to work within the educational community to encourage their adoption and their being put into effect. We have great respect for Mr. Richardson and are convinced that he exercised good judgment in recommending Dr. Marland for this post, particularly with respect to his stance as an advocate of the freedom and dignity of the teaching profession and its proper role in decision making.

Dr. Marland believes strongly in the rights and responsibilities of organized teachers as viewed by the profession itself. He has actively supported and worked with teacher organizations, and has stated unequivocally that he is not opposed to collective bargaining for teachers. He recognizes bargaining with teachers as a reality which school administrators have accepted as necessary and of great potential benefit to school systems. His position in the widely publicized Pittsburgh teachers strike in 1968 was consistent with state legislation--which, at his urging was changed in 1970 to permit public employees to bargain exclusively. The Pennsylvania State Education Association concurs with our judgment on this matter, and we categorically reject allegations that Dr. Marland acted in bad faith. He shares with us all deep concern over the grave situation that develops when teachers and boards of education reach impasse, and he has pledged his efforts to find ways to end the necessity for work stoppages which impose great hardship on school children.

From Dr. Marland's past record and from our conversations with him, we are convinced that he is committed to educational change and experimentation in accord with the principles of public control and legal and constitutional propriety-- especially with regard to the use of public funds for support of private and parochial schools. We are assured that he shares our concern about such questionable schemes as the voucher system now being promoted by the Office of Economic Opportunity. And we know that he shares our opposition to performance contracting when entered into without safeguard of the public interest.

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NATIONAL SCHOOL BOARDS ASSOCIATION

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Statement

by

Mr. August W. Steinhilber
Director of Federal and Congressional Relations
National School Boards Association

to the

Senate Committee on
Labor and Public Welfare

on behalf of

the confirmation of Sidney Marland

as the

United States Commissioner of Education

Thursday, December 3, 1970

The National School Boards Association, currently marking its 30th year of service, is a federation composed of (a) the membership of each of the fifty state school boards associations; (b) the direct affiliation of local school boards which are members of state associations; and (c) the affiliation of groups which presently include community college board of trustees, attorneys for school boards, and a special group of large city boards. In total the association represents approximately 84,000 school board members or trustees, who in turn, are responsible for the education of over 95 percent of the nation's public school children. It is these citizen leaders who are the link between Federal education programs and public education.

As you know, the position of U. S. Commissioner of Education has been vacant since last May. The absence of leadership at the helm of the Office of Education, as well as at various other positions including the associate commissioner and bureau chief levels, has had an adverse reaction on the effectiveness of the Federal role in education during this period. Accordingly, school boards are hopeful that this position will be filled before the adjournment of the 91st Congress. In this regard, we wish to thank you and the members of the Senate Committee on Labor and Public Welfare for giving top priority to this matter, notwithstanding the limited time left in the current session and the pendency of other pressing issues.

As a national organization, the National School Boards Association can appreciate the care which the Senate will wish to exercise before giving its consent to the nomination of a Commissioner of Education. We hope that you will agree that, in addition to being a competent educator and administrator, the Commissioner must possess the character, for example, to deal with the pressures which will certainly surround the administration of a desegregation program, the creativity to deal more

effectively with the learning problems of the disadvantaged and other issues of child development, and the dedication to attain a higher national priority for education. We also believe that such individual must (a) be firmly wedded to public education, (b) encourage the involvement of local school boards in the formulation of both nationwide education policy and program guidelines, (c) appreciate the need to further develop vocational education and community colleges programs and, (d) be able to cope with the special problems of urban areas.

Mr. Marland's multi-faceted, life-long career in the field of education strongly demonstrates that he has the ability and the experience to effectively respond to the issues outlined above. He has, for more than twenty years served in the capacity of Superintendent of Schools in Pittsburgh, Pennsylvania; Winnetka, Illinois; and Darien, Connecticut. It should be noted that, under his leadership, the Pittsburgh system was among the first to implement such educational innovations as pre-school training, team-teaching, use of teacher aides, educational parks, etc. From the time that Mr. Marland started in education, as a classroom teacher, to the present, as President of the Institute for Educational Development, he has actively served in responsible positions on councils, boards, and at various institutions involved in the education of the disadvantaged, the problems of big cities, and the development of educational techniques. He has and currently does serve on a number of HEW and White House Commissions including the Presidential Advisory Council for the Office of Economic Opportunity and the Presidential Advisory Council on Education of Disadvantaged Children. In addition, he was a Trustee for the Allegany Community College and the University of Pittsburgh.

In passing, we note that at least one group, has based its position on the appointment of Mr. Marland on his personal relationship with that association. The fitness of any nominee for the task of Commissioner of Education is too important to turn on such relationships. The only important measure by which the man should be judged is his ability and dedication to education.

In light of the foregoing, the National School Boards Association, encourages you, the members of the Senate Committee on Labor and Public Welfare, and the Senate to confirm the appointment of Sidney P. Marland, Jr. to the position of U. S. Commissioner of Education.

Statement of
The American Association of School Administrators
concerning the nomination of

DR. SIDNEY P. MARLAND, JR.

as U.S. Commissioner of Education

The nomination of Dr. Sidney P. Marland, Jr. to the position of United States Commissioner of Education presents an excellent opportunity to bring a most impressive combination of experience, ability and flexibility to bear on the educational challenges facing our nation. The American Association of School Administrators strongly supports the naming of Dr. Marland and urges an expeditious and favorable consideration of his nomination.

Dr. Marland's experience as an educational practitioner ranges from a pre-War II teacher of English in Connecticut to school superintendencies in Darien, Connecticut, Winnetka, Illinois, and Pittsburgh, Pennsylvania. His impressive record of accomplishments in these areas provides ample evidence that he is not only a thinker but a doer as well.

Nor is he unacquainted with the federal interest in education. During the mid-1960's his services were enlisted by the Department of Health, Education and Welfare and he played an important role in the efforts which resulted in the emergence of Title III of the Elementary and Secondary Education Act of 1965.

Dr. Marland's involvement in various national organizations and advisory councils speaks well for his competence, his wide range of interests and his flexibility.

Most important from our viewpoint, Dr. Marland on the basis of his outstanding record of practical educational administration will bring sorely-needed management qualities to an office that places a high premium on imaginative, effective and purposeful leadership.

The American Association of School Administrators urges prompt, favorable action to place Dr. Sidney P. Marland, Jr. in the office of U. S. Commissioner of Education.

TESTIMONY OF
LEE A. DODSON,
DIRECTOR OF AMERICAN EDUCATION LOBBY
ADDRESS: 20 E. STREET, N. W., WASHINGTON, D. C. 20001

BEFORE THE SENATE
LABOR AND WELFARE COMMITTEE
HONORABLE RALPH YARBOROUGH, CHAIRMAN

December 4, 1970

My name is Lee A. Dodson. I am director of the American Education Lobby of Washington, D. C., a position I have held since 1967.

The purpose of the American Education Lobby is to represent concerned parents and taxpayers before Congress on matters which involve public education and federal programs.

I am appreciative of this opportunity of appearing before this committee to discuss the inadequacies in the qualifications of Mr. Sidney Marland, Jr. for the position of U.S. Commissioner of Education.

The American Education Lobby is particularly disturbed over the increasing chaos in the schools throughout America as a result of the forceful congregation of school children based on percentages and efforts to eliminate defacto segregation.

We are disturbed about the growing pressure to locate schools, in some cases close fine education facilities, redraw district lines, and organize curricula in order to achieve a predetermined racial pattern of enrollment.

In 1954, the Supreme Court ruled that race, color, or creed could not be used as a basis for determining school attendance. It cannot be both ways -- we cannot interpret the Constitution in 1954 to say that race makes no difference, and in 1970 argue that something as important as the education of the children of America be based solely on this

inconsequential factor. Over the years it has come to pass that some schools, solely by reason of population changes, certain school districts contain a predominance of negro pupils while other schools accommodate a nominal percentage of non-whites.

There is no reason to condemn this normal transition process as being responsible for lowering of quality of education or of educational opportunities and begin using children as pawns in a weird sociological chess game.

If parents are given the freedom of choice to transfer or not transfer, and these same parents decline to transfer their children voluntarily, it cannot be said that anyone is being denied his Constitutional rights.

During President Nixon's campaign for election he made the following statement:

"There has been too much of a tendency for both our courts and our federal agencies to use the whole program of school integration for purposes which have very little to do with education and which do not serve a very useful purpose."

(THE CHARLOTTE OBSERVER)

In answer to a question about busing for the sole purpose of integration, President Nixon stated, "My feeling is this: I think that busing the child - a child that is two or three grades behind another child and into a strange community .. I think that you destroy that child. The purpose of the school is to educate them, and I don't believe in that manner of approach, and there is one other thing that I would like to say with regard to the

courts of the land ... I think it is the job of the courts to interpret the law and not make the law."

Further on in this statement President Nixon, while speaking of spending for federal jobs and federal housing and the building of bridges to human dignity, he stated that "We have got to have more emphasis on the primary purpose which is education ... that is the way that we get on with the subject rather than to try to satisfy some professional civil rights group, or something like that, that we will bus the child from one side of the county over to the other." (U.S. NEWS AND WORLD REPORT) (10/7/68).

President Nixon gave us Robert Finch and James E. Allen "Mr. Busing" and now we have Mr. Richardson who replaced Mr. Finch and a former superintendent of schools, Mr. Sidney P. Marland, Jr., who is presently under consideration as Mr. Allens replacement.

Mr. Marland believes that busing of school children can be an effective way for promoting integration. He has stated that he believes "integration is part of quality education" and that it can be "very workable and promises to improve integration". (Washington Star 11/20/70).

Note that he said "promises to improve integration" which seems to be the foremost consideration, rather than "quality education". He claims that minority children learn more in an integrated setting.

Where are the research studies that prove racially unbalanced schools are inferior schools providing inferior education, or that

racially balanced schools are superior? The public school has long been held to be a neighborhood institution. Throughout America School Boards have established their programs based on the neighborhood school concept.

The success of a school reflects to a considerable degree, the parents' attitude and the staffs' ability to communicate -- and this can be adequately done only through the neighborhood schools.

Isn't it about time that we take a look at who is teaching our children what and how? The incidence of location of a school -- the mere fact that the preponderance of children who would normally attend any particular neighborhood school does not represent a racial, ethnic, religious balance -- does not require a board of education to attempt to gerrymander boundary lines or to take specific racial, ethnic, or religious consideration into account for student or faculty makeup of any school. To do so is as much a violation of the Constitution as forced segregation by state law.

The U.S. News & World Report, April 27, 1970, tells a story that is being repeated over and over nationwide as a result of forced busing. "What happened to one 'Model High School': Racial change, swift and often painful, is coming to many big-city schools once renowned for high academic standards. At such schools, grades and discipline are sagging."

A more recent issue of the U.S. News & World Report, November 30, 1970, states that of all the schools where the racial makeup has drastically changed, 77% percent blame the trouble on integration.

And again I reiterate, isn't it about time that we take a look at the who, what, and how of education, the total output instead of the dollar input or the percentage of black or white or what ever the make up of the student body. Let us look at the quality of education instead of the quantity of integration.

Let us look at some of the more promising innovative programs which are working such as Team teaching, Teacher Training, Un-graded Classrooms, 12-Month School, and Vocational Education. The wasteful misuse of the taxpayers money for the purchase and operation of unneeded busses and the closing down of perfectly good schools, in order to bring about some illogical ideology of racial balance in the nations' schools is incongruent. The benefit of busing is indemonstratable, while the benefits of many of the above mentioned programs go un-heralded.

The American Education Lobby believes, that basically, our educational system is the best in the world with one exception, that is, the professional educator, the school administrator who has come to believe the "magic" of the almighty dollar will work miracles.

Few school administrators have recognized the knowledge gap between teachers, i.e., the difference between the teacher who regularly participates in special or advanced studies relating to education and those who do not.

For example, we believe this to be one of the most obvious shortcomings in the school system for the District of Columbia. There is little demand for competence from teachers who either

have lifetime tenure or who are protected by membership in the teachers union or the National Education Association.

Mr. Marland says he favors a union for teachers. But, let us look at a good example of un-warranted union interference as to what shall or shall not be taught is the most recent controversy in the District of Columbia over implementation of the "Clark Plan".

Here we saw the teachers union threaten to strike if this program was implemented. Their sole reason was that it might reveal the incompetence of some teachers. In other words, their fear was that the end result of this program might reflect upon the teacher's ability to do the job.

However, the unions' objections were overcome with assurances from the school board that testing results in this program would not be used to evaluate teachers. In other words, the teachers' ability to educate children must not be questioned regardless of whether or not children can read, write, or spell. As further evidence of un-warranted union interference, I submit and encourage each member of this committee to read, an article by James J. Kilpatrick which appeared in the Washington Star Thursday December 3, 1970, "Latest Chapter in Sad Story of D.C. Schools" and as Mr. Kilpatrick puts it very mildly "What of the children? No one gives a damn about them." ¹

¹ "What of the children? No one gives a damn about them".
(Article attached).

In nearby Montgomery County, Maryland, the Board of Education has spent approximately \$50,000 preparatory to implementing a program which would recognize and reward classroom teachers who are willing to take advanced courses and accept additional responsibilities. This program which could result in a more qualitative output and better educational opportunities for children has never been implemented due to opposition from the Montgomery County Teachers Association, an affiliate of NEA. MCEA went so far as to interpose a grievance to the Department of Education of HEW which resulted in a cut off of funds for this project.

Yet, Mr. Marland would favor a union for all teachers. Mr. Marland has said that he opposes teacher strikes, but that he recognized teachers have a right to withhold services as an ultimate weapon, and that he is not opposed to collective bargaining; which can only mean that he favors some kind of labor union type organization, but strikes must be outlawed and just as a child is required to attend school so must teachers be required to fulfill their contracts.

When teachers are on strike, children are denied their Constitutional right to receive an education. We believe that any appointee to the Department of Education should show a deep concern for the education of all children regardless where they attend school. He should possess a concern for programs which improve teacher competence, and accountability to the taxpayer who is paying their salary.

A few years ago before the violence and chaos became so prevalent in our schools, 91% of the school administrative polled¹ indicated that they were opposed to transferring students outside their neighborhood schools even when housing patterns produce de facto school segregation in Negro neighborhoods. This survey was just seven years ago. Now reports indicate that 77% of the school administrators are blaming forced integration for the chaos in our schools.

Yet, Mr. Marland would continue this destructive program. Through the futility of trying to achieve a predetermined racial mix, overzealous proponents continue their efforts for something that cannot be done, and we have Mr. Marland being considered for a vastly important position. He is a man who has experienced some of these problems brought on by forced congregation, a man who believes that we can improve educational opportunities by **busing** for more racial balance, a man who cannot see the forest for the trees. The American Education Lobby at this point would like to recommend to this committee for it's consideration a man whom we believe has the experience and dedication which would prove invaluable for this position, Dr. Carl Hansen.

Dr. Hansen, former superintendent of the D.C. Public Schools demonstrated his deep concern for the education of all children by his refusal to accept court ordered interference in the orderly processes of education. You will recall that Dr. Hansen resigned rather than accept Judge J. Skelley Wright's Socio-economic busing

decision. Dr. Hansen believes that all schools can be good schools dependent upon, only two factors, dedicated teachers and sufficient funds. Thank you for the opportunity to make this statement.

[Washington Star, Dec. 13, 1970]

LATEST CHAPTER IN SAD STORY OF D.C. SCHOOLS

(By James J. Kilpatrick)

It is part of the natural perversity of man, like the natural perversity of the cow, that causes a Washington-based correspondent to write very little of Washington itself. Honeysuckle always looks more interesting somewhere else. Thus most of us have passed over the latest chapter in the sad story of the District of Columbia schools, and it merits a moment of your time.

For it is a sad story. The poor kids! And the point of the story—the dethroning of excellence—has application far beyond the Potomac.

The capital of our country at one time had a tolerably good system of public schools. True enough, these were segregated schools, prior to the fall of 1954, but they are remembered as reasonably happy and productive schools in which teachers taught and pupils learned and violence rarely stalked the halls.

With the coming desegregation, the picture began to change. The school population, which had been roughly 50-50, black and white, grew steadily blacker. Today the process of desegregation is virtually complete. The District's schools are 94 percent black, 6 percent white.

During the transition period, in a desperate effort to retain some concept of excellence, the then superintendent instituted a track system—slower learners on a slow track, honor students on a fast track—but the system was challenged in federal court and the series of disasters began.

The worst of the disasters came in the person of Judge J. Skelly Wright. He is one of the godlike kind of men, a transplanted Southern liberal; and like the Catholic convert who becomes more Catholic than the Pope, Judge Wright proved to be a greater integrationist than Thaddeus Stevens.

In an arrogant and doctrinaire opinion, he destroyed the track system; he decreed a ruthless egalitarianism, filled with illusion but empty of reason; and he succeeded in wrecking the system as a whole. The superintendent departed, leaving Judge Wright triumphant astride the ruins.

Meanwhile, the District acquired an elected school board; the teachers union came on strong; the white exodus continued, and things got worse. Members of the school board quarreled with one another and with a new superintendent, unhappy man, who came and suffered and went. Finally, in a valiant effort to make a fresh start, the board last winter retained Dr. Kenneth Clark to come up with a plan.

He came up with a shocker. He proposed that the pupils be taught how to read. Dr. Clark is a leading sociologist and educator; he is also, incidentally, black.

He noted that the District's schoolchildren, as a group, ranked wretchedly far behind the national norms. So he called for a "reading mobilization year," in which teachers would concentrate upon reading skills above all else. The school board, captivated by the novelty of the idea, endorsed the Clark program with a single voice.

Alas for Dr. Clark. His plan contained certain overtones of merit pay for excellent teaching. The teachers union reacted in horror. Local parents, whose hopes had been lifted, saw their hopes lost in a bickering fog.

A new superintendent, also black, arrived in the midst of the discord. He has now drowned the Clark plan in cold water; the whole proposition has been withdrawn for "further study." Judge Wright once again is thundering for absolute equality, and the parents are distraught and divided.

What of the children? No one gives a damn about them. They are as faceless as serfs in a feudal war. The reading skill is vital to them. They are growing to maturity in a technological society with no room for the illiterate laborer. Without this skill—this small touch of excellence—they are doomed to perpetual twilight.

But excellence, even the sad excellence of merely reaching a national average is an overthrown king in these bleak plains of equality. Merit pay is anathema to teachers who fear challenge. The discipline of reading—the discipline of anything—finds no welcome in the soft vapors of social uplift. It is, I repeat, a sad business; and it couldn't have happened to a nicer city.

SANTA CLARA AND SAN BENITO COUNTIES,
BUILDING AND CONSTRUCTION TRADES COUNCIL,
San Jose, Calif., October 12, 1970.

HON. RALPH YARBOROUGH,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR YARBOROUGH: It is felt by the delegates to the Santa Clara and San Benito Counties Building and Construction Trades Council that President Nixon's nomination of Sydney P. Marland, Jr., as United States Commissioner of Education constitutes a threat to the future of public education and is a direct affront to the entire teaching profession. Mr. Marland throughout his career has been an outspoken foe of the right of teachers to join organizations of their own choosing for collective bargaining purposes and as recently as last April urged Congress to enact federal legislation to deny teachers the right to strike.

We urge you to oppose Marland's nomination with all possible vigor. Your attention to this will be greatly appreciated.

Sincerely,

FLOYD W. REED, *President.*

WORCESTER STATE COLLEGE FACULTY FEDERATION,
AMERICAN FEDERATION OF TEACHERS, LOCAL 2070,
Worcester, Mass., November 23, 1970.

HON. RALPH W. YARBOROUGH,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR YARBOROUGH: The Worcester State College Faculty Federation strongly opposes the nomination of Sidney Marland for Commissioner of Education. Our stand is based on Marland's anti-teacher, anti-union attitude and the conflict-of-interest question arising from his presidency of the Institute for Educational Development.

An AP release of November 20, 1970 quotes Marland before the Senate Labor and Public Welfare Committee: "I am not opposed to collective bargaining for teachers." This claim is fairly puzzling when one considers Marland's long record of consistently anti-union statements and actions. During his service as Pittsburgh's school superintendent, Marland opposed both the American Federation of Teachers and the National Educational Association, stating "I do not intend to be a party of the swift decline of teachers' freedom into collectivism." He resigned the post after the AFT won a Pittsburgh collective bargaining election.

In connection with Marland's opposition to teacher strikes, the AP release says Marland "doubted his views were important because he said collective bargaining in education has not so far involved the federal government." We feel that Marland's soft-peddling of this issue leaves an inaccurate impression of his intentions. Only last spring Marland urged enactment of federal anti-strike legislation for teachers.

We believe that schools can best be improved by attracting better teachers with better pay and working conditions. Marland agrees that such improvements may be "long overdue and justified" while complaining that "public funds have been diverted to teacher benefits as against other school needs."

Finally, there may be cause for concern in Marland's connections with industries interested in selling products and services to school systems. An article in the AFL-CIO News of September 26, 197 mentions that "One study conducted by Marland's 'non-profit research and development firm' reported with enthusiasm the arrangement by which a 'management expert' was loaned to the New Haven school system for full-time service while remaining on the payroll of the Olin-Mathieson Chemical Corporation."

We feel that Marland's appointment to this post is unsuitable on all counts. We urge you not to confirm this nomination.

Sincerely,

GEOFFREY GARRETT, *President.*

THE BOARD OF PUBLIC EDUCATION,
Pittsburgh, Pa., November 23, 1970.

HON. RALPH YARBOROUGH,
Chairman, Committee on Education,
Senate Office Building, Washington, D.C.

DEAR SENATOR YARBOROUGH: I wish to urge the confirmation of the President's nomination of Sidney P. Marland, Jr. as Commissioner of Education. I am writing because of my deep concern for education, and without Dr. Marland's knowledge.

I have served on the Pittsburgh Board of Public Education for twenty-two years. I was a member of the Selection Committee that invited Dr. Marland to Pittsburgh after an exhaustive review of available candidates. I was Vice-President and, subsequently, President of the Board during his five years as Superintendent of Schools in Pittsburgh. I am currently Chairman of the Committee on Education.

Dr. Marland is an educator of extraordinary vision and wide experience in both urban and suburban schools. He is sensitive to modern tensions and social needs. His administrative ability is exceptional. This is far more than a matter of efficiency. People who serve with him, inspired by his own energy and humanity, are hard workers totally committed and enthusiastic. He has the ability to make people who are technical subordinates feel important and recognized. New ideas are welcomed. The result is an excellent morale which should be an asset to the Office of Education.

Dr. Marland's many talents would serve education well on a national scale. His confirmation will be a real encouragement to educators and concerned laymen throughout the country.

Very truly yours,

MRS. M. L. AARON,
Member, Pittsburgh Board of Public Education.

[Telegrams]

SAN FRANCISCO, CALIF., October 3, 1970.

Senator RALPH YARBOROUGH,
Chairman, Senate Labor and Public Welfare Committee
Senate Office Building,
Washington, D.C.

We respectfully urge you to oppose the nomination of Sidney P. Marland, Jr., as U.S. Commissioner of Education.

WESTERN FEDERATION OF BUTCHERS,
MAX J. OSSLO, President.

SAN FRANCISCO, CALIF., October 3, 1970.

Senator RALPH YARBOROUGH,
Chairman, Senate Labor and Public Welfare Committee,
Senate Office Building,
Washington, D.C.

Urge you oppose Sidney Marland, Jr., nomination as U.S. Commissioner Education as not in best interest of public education and would be a direct affront to the entire teaching profession. Please oppose his nomination with all the vigor you can command. Surely someone more qualified can be found and who would have the support of the teaching profession. Appreciate hearing your position.

Cordially,

JAMES W. CROSS, President,
Local 34, United Telegraph workers, AFL-CIO.

SAN MATEO, CALIF., October 3, 1970.

RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

Please be advised that we oppose the nomination of Sidney P. Marland as U.S. Commissioner of Education.

Sincerely and fraternally,

WILLIAM E. RATCLIFF, Executive Treasurer,
Retail Clerks Union Local No. 775.

NATIONAL ASSOCIATION
OF STATE UNIVERSITIES
AND LAND-GRANT COLLEGES

One Dupont Circle, Washington, D. C. 20036 202 293-7120

November 19, 1970

The Honorable Ralph Yarborough
Chairman
Committee on Labor and Public Welfare
United States Senate
New Senate Office Building, Room 4230
Washington, D.C. 20510

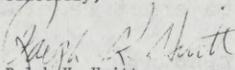
Dear Senator Yarborough:

The Executive Committee of the National Association of State Universities and Land-Grant Colleges has voted a strong endorsement of Mr. Sidney P. Marland to be Commissioner of Education.

It is our hope that you will find it possible to hold hearings on this nomination before the end of the 91st Congress. We believe that the continued vacancy in that office and in the office of Assistant Secretary for Education seriously weakens the efforts of the government in education.

We appreciate your consideration of this action by our Executive Committee.

Sincerely,


Ralph K. Huitt
Executive Director

RKH/jl

UNITED STEELWORKERS OF AMERICA

LOCAL 2029

P.O. BOX 2007 OXNARD, CALIF. 93030

Oct. 27, 1970

Senator Ralph Yarborough
U. S. Senate Bldg.
Washington, D. C. 20510

Dear Sir:

President Nixon's nomination of Sydney P. Marland, Jr. as United States Commissioner of Education constitutes a threat to the future of public education and is a direct affront to the entire teaching profession.

As AFL-CIO President George Meany has noted, Marland, throughout his career has been an outspoken foe of the right of teachers of join organizations of their own choosing for collective bargaining purposes and as recently as last April urged Congress to enact federal legislation to deny teachers the right to strike.

We, Local 2029 of United Steelworkers of America, urge you to oppose Marland's nomination with all the vigor you can command.

Yours truly,



John L. Baillie
Recording Secretary
Local 2029

Idaho Association of School Superintendents

1970-71 SCHOOL YEAR

CAMDEN B. MEYER, Rupert, Secretary

JERRY L. EVANS, President
Caldwell

November 12, 1970

I. T. STODDARD, Vice President
Blackfoot

The Honorable Ralph Yarborough
Chairman
U. S. Senate Labor and Public Welfare Committee
4230 New Senate Office Building
Washington, D. C. 20510

Dear Senator Yarborough:

I am writing to express the support of the Idaho Association of School Superintendents for the appointment of Sidney P. Marland, Jr. to the post of U. S. Commissioner of Education.

We feel that Dr. Marland will be an excellent commissioner and appreciate very much his background in Public School Administration. We believe that the commissioner's post is an extremely important one for education and for our country. It has been vacant since June so in our opinion it is imperative that immediate attention be given to the confirmation of Dr. Marland.

Please help expedite this matter, and may we urge you to support his appointment. Thank you.

Sincerely yours,

Jerry L. Evans
Jerry L. Evans, President
Idaho Assn. of School Superintendents

JLE:mo

AMERICAN EDUCATIONAL
RESEARCH ASSOCIATION

Office of the President:
Department of Educational Research
Florida State University
Tallahassee, Florida 32306

16 November 1970

The Honorable Ralph Yarborough, Chairman
Senate Labor and Public Welfare Committee
4230 New Senate Office Building
Washington, D. C.

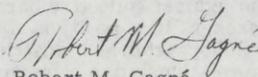
Dear Senator Yarborough:

I shall greatly appreciate your permission to include the following statement in the record as supporting the nomination of Dr. Sidney P. Marland as United States Commissioner of Education.

Dr. Marland has a combination of experience in the operation of public schools and in dealing with the problems of research leading to improvement in American education which make him a highly qualified nominee. His years of experience as a superintendent indicate that he has a thorough knowledge of public school systems and the problems they face. His more recent experience in an organization engaged in important studies of educational processes should provide him with a balanced and objective framework for dealing with educational issues of national concern.

I consider Dr. Marland to be a man of broad vision and great capacity for melding the disparate elements of American education into programs having unity of purpose.

Respectfully,


Robert M. Gagné
President

RMG:es



716 EAST 93d STREET,
Brooklyn, N.Y., October 21, 1970.

Senator RALPH W. YARBOROUGH,
Senate Building,
Washington, D.C.

DEAR SIR: I view with alarm the nomination of Sidney P. Marland, Jr., as United States Commissioner of Education. This is a threat to the entire teaching profession and public education.

He is *not* the man for so important a job.

Sincerely,

(Mrs.) PEARL BRECHMAN.

155-05 86TH ST.,
Howard Beach, N.Y., October 22, 1970.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SIR: I respectfully urge you to oppose the nomination of Sidney P. Marland, Jr., as United States Commissioner of Education. His nomination is both an affront to the entire teaching profession and a threat to the future of public education in the United States.

Throughout his entire professional career, Dr. Marland has been an outspoken enemy of the right of teachers to bargain through organizations of their own choosing. Even more alarming is his close relationship to industrial leaders who are greedy for a share of the educational dollar.

This is *not* the man for so important a job.

Sincerely,

BESSIE F. SCHOTTENFELD.

WHITNEY SCHOOL,
2815 S. Komensky Ave.,
Chicago, Ill.

SENATE LABOR AND PUBLIC WELFARE COMMITTEE,
Washington, D.C.

DEAR SENATOR RALPH W. YARBOROUGH: In the interest of quality education and in the interest of the rights of teachers as publicly employed professionals, we, the undersigned teachers and citizens do respectfully protest against the proposed appointment of Sidney Marland to the position of U.S. Commissioner of Education.

We urge you to consider the following factors in opposition to Mr. Marland's confirmation:

(1) His stand against collective bargaining and against teachers' right to strike places teachers in a position of second-class citizens who are not afforded the same labor rights as industrial workers.

(2) His close relationship to commercial activity in education might cause Mr. Marland to conduct the financial expenditures of his office in a biased manner.

Dorothy G. Celezic, 3719 S. 58 Ct., Cicero, Ill.

Eileen Meyer, 2815 S. Komensky, R. 201.

William R. Lamar, 4228 Madison, Brookfield, Ill.

Lorraine O'Malley, 902 Robinhood Lane, La Grange Park, Ill.

Marcia Berke, 947 Dunlap, Forest Park.

Theresa Stoukal, 18 W. 270 Knollwood Lane, Villa Park 60181.

Nancy Williams, 2207 Ridge Ave., Evanston 60201.

Donna J. Pelley, 635 67th St., Downers Grove.

Carol J. Korten, 7443 Washington St., Forest Pk., Ill.

Margaret C. Slemmer, 3635 W. 60th St., Chicago, Ill.

Nancy Hassman, 4252 W. Laurence, Chicago, Ill.

Virginia La Mantia, Oakbrook Towers, Oak Brook, Ill.

Frank Kosek, 4958 S. Wood, Chicago, Ill.

Enola A. Pirog, 4644 S. Komensky Ave., Chicago, Ill.

John A. Pirog, 4644 S. Komensky Ave., Chicago, Ill.

Eva L. Pereira, 3130 W. 38th St.

Nancy Lipa, 4749 S. Harding Ave., Chicago.

Robert Mindy, 5023 N. Harding.

Joseph Ghagg, 6734 S. Maplewood, Chicago.

June R. Kakacek, 3031 S. Harding Ave., Chicago.
 Marlene Woytonik, 35641 Delles Rd., Naperville, Ill.
 Aurelia Husnik, 6334 S. Kostner, Chicago, Ill.
 Wanda Garny, 10547 Windsor Dr., Westchester, Ill.
 Donald Seegel, 8231 N. Crawford, Skokie, Ill.
 Howard Fine, 4714 Main St., Skokie, Ill.
 Sarah Winke, 711 S. Ashland, La Grange.
 Anita Topic, 6246 N. Mozart, Chicago, Ill.
 Patricia Ann Harazin, 2115 Kenilworth, Berwyn.
 Harriet L. Sevcik, 344 E. Quincy, Riverside.
 Marie C. Fonta, 446 Longcommon Rd., Riverside.

85-10 120TH ST.,
 Kew Garden, N.Y., October 21, 1970.

HON. RALPH W. YARBOROUGH,
 Senate Office Building
 Washington, D.C.

DEAR SIR: I respectfully urge you to oppose the nomination of Sidney P. Marland, Jr., as United States Commissioner of Education.
 This is *not* the man for so important a job.

Respectfully,

MAE E. LARUSSA.

1380 E. 100 STREET,
 Brooklyn, N.Y., October 21, 1970.

Senator RALPH W. YARBOROUGH,
 Senate Office Building, Washington, D.C.

DEAR SIR: I respectfully urge you to oppose the nomination of Sidney P. Marland Jr. as U.S. Commissioner of Education. He has been an outspoken enemy of the rights of teachers and has been closely associated with industrial leaders who are greedy for a share of the educational dollar.

Sincerely yours,

Mrs. JENNIE WILSON.

1319 EAST 89 STREET,
 Brooklyn, N.Y., October 22, 1970.

Senator R. W. YARBOROUGH,
 U.S. Senate, Washington, D.C.

DEAR SIR: We have heard through many media, that Sidney P. Marland, Jr. is not sympathetic to teachers joining a union or bargaining for their rights. He is too friendly with industrial leaders who want to line their pockets with government money that is set aside for children's education. This is too important a job for this avowed enemy of teachers' rights.

Yours truly,

MIRIAM LINDENBAUN.

BUCKEYE ASSOCIATION OF SCHOOL ADMINISTRATORS,
 Worthington, Ohio, October 27, 1970.

HON. RALPH YARBOROUGH,
 Chairman, U.S. Senate Labor and Public Welfare Committee, New Senate Office Building, Washington, D.C.

DEAR SIR: The Buckeye Association of School Administrators urges your support of Dr. Sidney P. Marland as U.S. Commissioner of Education. The Buckeye Association represents about 1,000 administrators in Ohio who believe that the time has come to give the U.S. Office of Education the strength and leadership it deserves.

We shall appreciate your help and support.

Sincerely,

HAROLD SEBOLD,
 Executive Director.

1059 E. 80TH STREET,
Brooklyn, N.Y., October 22, 1970.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SIR: I respectfully urge you to oppose the nomination of Sidney P. Marland, Jr. as United States Commissioner of Education.

Throughout his entire professional career, Dr. Marland has been an outspoken enemy of the rights of teachers to bargain through organizations of their own choosing. This is against our democratic principle.

Respectfully,

Mrs. COHEN.

1232 MEADOW LANE,
Frankfort, Ky., November 9, 1970.

Hon. RALPH YARBOROUGH,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: The Board of Directors of the Kentucky Association of School Administrators has adopted unanimously a motion expressing its satisfaction with the appointment of Dr. Sidney P. Marland, Jr. to the post of U.S. Commissioner of Education.

You are requested to use your influence to expedite the action on the hearings regarding this appointment. In view of the fact the Commissioner's post has been vacant since June, 1970, it is imperative that every effort be made at this time to name a person to fill this important post.

Sincerely,

FRED D. WILLIAMS,
Executive Secretary,
Kentucky Association of School Administrators.

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES
AND MOTION PICTURE MACHINE OPERATORS
OF THE UNITED STATES AND CANADA—LOCAL No. 409,
San Mateo, Calif., October 31, 1970.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: By the direction of the above Local Union I am writing to urge you, as Chairman of the Senate Labor and Public Welfare Committee, to oppose President Nixon's nomination of Mr. Sydney Marland as United States Commissioner of Education.

Teachers should have the same rights as other workers to improve their wages and working conditions through collective bargaining, and Marland has always opposed these rights.

The tendency of this Administration to under-cut Labor must be resisted at every point.

Your very truly,

L. F. ADAMS, Secretary.



EDUCATION COMMISSION OF THE STATES
822 Lincoln Tower, 1860 Lincoln Street
Denver, Colorado 80203 — 303 - 255-3631

November 13, 1970

The Honorable Ralph Yarborough
Chairman, Committee on Labor and
Public Welfare
4230 New Senate Office Building
Washington, D.C. 20510

Dear Senator Yarborough:

President Nixon's nomination of Dr. Sidney P. Marland for United States Commissioner of Education comes at a critical time in the history of our nation as it relates to the complex problems and demands upon a burgeoning education system. Quite obviously there is a crisis of confidence in education abroad in the land today. Restoring the faith of the American people in education, while at the same time working to bring about orderly changes within the system, commensurate with the needs and aspirations of our citizens, both young and old, is a prime function of the Commissioner. We feel that Dr. Marland is admirably suited for this role, and that if sustained in the United States Senate our system of education will have an effective and articulate spokesman at the national level.

We are aware of opposition to Dr. Marland's confirmation, of course, but find very little basis in fact for it. We would point out that Dr. Marland has not only survived but has served exceedingly well in many capacities in a highly controversial field for an extended period of years. He has always gravitated to increasingly important roles of leadership in that field with a marked degree of success.

As you know, Dr. Marland has served with distinction as superintendent of schools in Pittsburgh, Pennsylvania, and Darien, Connecticut, and as Director of the Institute for Educational Development. He was Vice Chairman of the Whitehouse Conference on Education in 1965 and is a member of the Advisory Council to the Office of Economic Opportunity for the education of disadvantaged children.

The Honorable Ralph Yarborough
Page 2
November 13, 1970

We have no time to lose in expanding proven programs, attacking the inadequacies of the schools and in making school systems accountable to the general public. We look forward to working with Dr. Marland in our efforts to improve the quality and quantity of education at the state level. We hope that you will give favorable consideration to Dr. Marland's nomination for the office of United States Commissioner of Education when it is presented.

Respectfully,

Wendell H. Pierce

Wendell H. Pierce
Executive Director

WHP:mcfl

MONYThe **MUTUAL** Life Insurance Company **OF NEW YORK**Broadway at 55th Street, New York, N. Y. 10019
(212) JUdson 6-4000ROGER HULL
Chairman of the Board

October 20, 1970

Dear Senator:

I am writing about Dr. Sidney P. Marland who has been nominated for United States Commissioner of Education.

I have known Dr. Marland for nearly twenty-five years. I served on the Board of Education during his entire tenure as Superintendent of Schools in Darien, Connecticut. Two years of that time I served as Chairman. I have been in frequent contact with him while he served in Winnetka, in Pittsburgh and more recently here in New York.

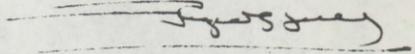
Sid Marland is a man of highest integrity, enormous energy, superior administrative capacity and deep dedication to the interests of public education. Among his greatest talents is the ability to deal with people, to cut through the peripheral entanglements and get to the core of a problem. Comingled with his talents for getting things done is a sense of humor, a sensitivity to differing points of view and yet a firmness in dealing with his adversaries when important objectives are threatened.

I have heard that there is opposition from some of the labor leaders. Any attempt to label Sid Marland as anti-labor arises either from a misunderstanding of the man and his purposes or a deliberate attempt to discredit a highly competent educator. You undoubtedly have seen a summary of the facts on his labor position in Pittsburgh developed by H.E.W. He is neither pro nor anti-labor. He is strongly for the highest standards in educational efficiency and equally strongly opposed to mediocrity wherever it exists in our educational system.

I happen to know that Dr. Marland did not seek this appointment, and his own personal interests would be better served in a variety of other positions available to him. His willingness to accept this assignment arises from a deep sense of duty to his country.

In these critical times when it is increasingly difficult to persuade men of integrity and competence to serve our government, I believe it would be a great tragedy for our country if this nomination is not confirmed.

Yours sincerely,



Honorable Ralph W. Yarborough, Chairman
Committee on Labor and Public Welfare
Senate Office Building
Washington, D. C.

4624 Euclid Avenue
San Diego, Cal. 92115
October 15, 1970

Honorable Ralph Yarborough
Chairman of Labor and Public Welfare Committee
United States Senate Building
Washington, D.C.

Dear Senator Yarborough:

May I strenuously urge you to oppose the nomination of Dr. Sidney Marland as Commissioner of Education. Dr. Marland's publicly reiterated opposition to collective bargaining for teachers makes him an anachronism in an age when collective bargaining is a fact of life in the school districts of most of our major cities and is spreading rapidly to the suburbs and smaller cities. His appointment would be anathema to the scores of thousands of teachers in the major teacher organizations.

Sincerely,

Richard N. Martin

Richard N. Martin

JAMES S. LEE
PRESIDENT

J. J. TWOMBLEY
SECRETARY-TREASURER

State Building and Construction Trades Council of California

SEND REPLY TO:
1107 9TH STREET
SUITE 731
SACRAMENTO, CALIF. 95814
PHONE 443-3302

Chartered by
BUILDING AND CONSTRUCTION TRADES
DEPARTMENT
of the
AFL - CIO
 5

October 12, 1970

The Honorable Ralph Yarborough
Chairman
Senate Labor and Public Welfare Committee
Senate Office Building
Washington, D.C. 20510

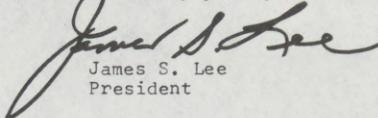
Dear Senator Yarborough:

President Nixon's nomination of Sydney P. Marland, Jr., as United States Commissioner of Education constitutes a threat to the future of Public Education and is a direct affront to the entire teaching profession.

Mr. Marland, throughout his career has been an out spoken foe of the right of teachers to join organizations of their own choosing for collective bargaining purposes and as recently as last April urged Congress to enact Federal Legislation to deny teachers the right to strike.

I urge you to oppose Mr. Marland's nomination to this extremely important position.

Sincerely yours,


James S. Lee
President

JSL:am
oteu - #29
afl/cio



Office and Professional Employees Union, Local No. 29

440 GRAND AVENUE • SUITE 450
OAKLAND, CALIFORNIA • 94610

Affiliated with AFL-CIO
Telephone 893-5933

148

October 13, 1970

Senator Ralph Yarborough
Senate Office Building
Washington, D. C.

Re: appointment of Sydney P. Marland, Jr. as United States
Commissioner of Education

Dear Senator Yarborough:

The Officers of Office and Professional Employees Union, Local 29, AFL-CIO comprising 4,000 members in Northern California very strongly feel that Sydney Marland is not qualified to fill the position of United States Commissioner of Education.

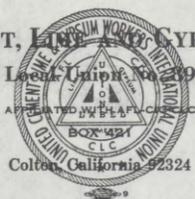
We respectfully urge you to oppose his nomination vigorously when it comes before the Senate for confirmation.

Very truly yours,

Leah Newberry
Secretary-Treasurer

LN/hg
opeu/29
afl/cio

UNITED CEMENT, LINE AND GYPSUM WORKERS



Tony Geroin

PRESIDENT

Fred Thompson

RECORDING SECRETARY

Art Razo

FINANCIAL SECRETARY

October 12, 1970

The Honorable Ralph Yarborough
United States Senate
Washington, D. C. 20510

Dear Senator Yarborough;

We, the members of United Cement, Line and Gypsum Workers International Union Local Union # 89, wish to urge you to oppose Sydney P. Marland Jr.'s nomination for United States Commission of Education.

Sincerely yours

Fred Thompson
Recording Secretary
Local Union # 89

USE MORE CEMENT -- IT'S DURABLE

Sheet Metal Workers'

370 UMBARGER ROAD
Telephone 225-3939

LOCAL



International Association

NO. 309

SAN JOSE, CALIF., 95111
Salinas Phone Hickory 9-2245

October 13, 1970

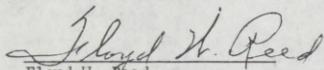
The Honorable Ralph Yarborough
United States Senator
Old Senate Office Building
Room 460
Washington D. C. 20515

Dear Senator:

The members of Sheet Metal Workers' Local Union #309 are opposed to the nomination of Sydney R. Marland Jr. as United States Commissioner of Education.

We sincerely hope you will oppose this nomination.

Respectfully yours,


Floyd W. Reed
Business Manager

FWR:e
afl-cio
opeu-29

UNITED ASSOCIATION

of Journeymen and Apprentices of the Plumbing and
Pipe Fitting Industry of the United States and Canada

There is no substitute for U. A. skilled craftsmen



PETER T. SCHOEMANN
General President

MARTIN J. WARD
Assistant General President

JOSEPH A. WALSH
Executive Vice President

WILLIAM T. DODD
General Secretary-Treasurer

OWEN P. KELLY
Asst. Gen'l. Secretary-Treasurer

LOCAL UNION 460, CITY Bakersfield, STATE Ca., DATE 10/12, 1970

Senator Ralph Yarborough
United States Senate
Washington, D. C.

Dear Sir:

I write to you in regard to Sydney P. Marland, Jr.'s nomination as United States Commissioner of Education. I represent 600 members and it is our wish that you, in our behalf, vigorously oppose this nomination.

Yours truly,

George White

George White, Business Agent
U. A. Local 460
208 Oak Street
Bakersfield, California 93304

GW/dkw

SAN FRANCISCO LODGE No. 68, I. A. OF M. & A. W.



AFFILIATED WITH BAY CITIES METAL TRADES COUNCIL, A.F.L.-C.I.O. AND CALIFORNIA STATE CONFERENCE OF MACHINISTS

STANLEY JENBEN, DIRECTING BUSINESS REPRESENTATIVE
WILLIAM FERGUSON, FINANCIAL SECRETARY

3151 MISSION STREET
SAN FRANCISCO, CALIF. 94110
PHONE 282-8884

1320 OLD COUNTY ROAD
BELMONT, CALIF. 94002
PHONE 593-7683

October 13, 1970

The Honorable Ralph Yarborough
United States Senate
Washington, D. C.

Sir:

Lodge 68, International Association of Machinists & Aerospace Workers is requesting you to vote against President Nixon's nomination of Sydney P. Marland, Jr., as United States Commissioner of Education. He constitutes a threat to the future of Public Education and is a direct affront to the entire teaching profession.

Sincerely,

William A. Horn

William A. Horn
Recording Secretary

WAH/ma
OPE-3 AFL-CIO (28)

[Telegram]

SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 562 AFL-CIO,
Fresno, Calif., October 20, 1970.

Senator RALPH YARBOROUGH,
Senate Office Building, Washington, D.C.:

You are urged to oppose the appointment of Sydney P. Marland, Jr., to a position on U.S. Commission of Education. Surely a more acceptable and less prejudiced person could be recommended. Marland's record of being opposed to the rights of public employees indicates that it would be impossible for him to render unbiased opinions.

ROBERT D. FIRTH, *President.*

PLEASANTON, CALIF., October 16, 1970.

RALPH YARBOROUGH,
Senate Building, Washington, D.C.:

We the members of Bricklayers Local No. 8 Oakland, Calif., object to the nomination of Sydney P. Marland, Jr., as U.S. Commissioner of Education. This we feel is a direct affront to the teaching profession.

Sincerely,

RICHARD COTTER,
Recording and Correspondence Secretary.



CHARTERED BY: American Federation of Labor and Congress of Industrial Organization

Los Angeles County **FEDERATION of LABOR, AFL-CIO**

2130 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90006
Telephone: (213) 381-5611

SIGMUND ARYWITZ
EXECUTIVE
SECRETARY-TREASURER



October 8, 1970

Hon. Ralph W. Yarborough, Chairman
Senate Labor and Public Welfare Committee
Senate Office Building
Washington, D. C. 20510

Dear Senator Yarborough:

I am writing to you to urge you vote against confirmation of the nomination of Sidney P. Marland, Jr. as United States Commissioner of Education.

I do not request that the Senate deny confirmation of the President's nomination very often, nor do I do it lightly, because I feel as a matter of opinion that the Chief Executive Officer should have freedom to select the people who are to implement policies of his administration. However, there are times when a particular individual has a record so odious or a predisposition so detrimental to the prospects that he will perform his functions in an impartial even-handed manner, it is essential to speak out against confirmation. The appointment of Mr. Marland as United States Commissioner of Education would provide such a case.

One of the important roles he would play would have to do with the rights and duties of teachers. Because this gentleman has been most outspoken in his opposition to the right of teachers to belong to organizations of their own choosing and to enjoy collective bargaining rights common to all other employees, it seems to me that his holding this office would be most prejudicial to the free exercise of these rights by teachers all over this country. For this reason, I am urging that confirmation be denied so that office might be filled by somebody who would be more inclined to exercising a sense of fairness in dealing with teachers.

Sincerely yours,

SIGMUND ARYWITZ
Executive Secretary

SA:sdh
opeiu30
afl-cio

October 2, 1970

The Honorable
Senator Ralph Yarborough
4241 Senate Office Bldg.
Washington, D. C.

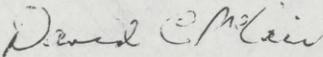
Dear Senator Yarborough:

The Central Labor Council feels that President Nixon's nomination of Sydney P. Marland, Jr., as United States Commissioner of Education constitutes a threat to the future of public education and is a direct affront to the entire teaching profession.

We know the Senate Labor and Public Welfare Committee chaired by you is expected to take up the Marland nomination within the next two or three weeks, and we urge you to oppose Marland's nomination with all the vigor you can command.

We feel that immediate action on this matter is essential. With kind regards, I remain

Sincerely yours,



David C. McCain
Secretary-Treasurer
Stanislaus and Tuolumne Counties
Central Labor Council
AFL-CIO

DCM;bb

Oct 21, 1970
 Sen. Ralph W. Yarborough
 Senate Office Bldg
 Wash. D. C. 20578

Dear Sir

I respectfully urge you to oppose the nomination of Sidney P. Marland Jr. as U.S. Comm. of Education. His nomination is an affront and threat to the future of public education in the United States.

Mr. Marland has been an outspoken enemy of teachers' rights to organize.

Sincerely,

Hilda Malakoff
 8823 Ave. M
 Bklyn NY 11236

4009 S.W. Seymour Court
Portland, Oregon 97221
October 20, 1970

Senator Ralph W. Yarborough, Chairman
Labor and Public Welfare Committee
Senate Office Building
Washington, D.C. 20510

Dear Sir:

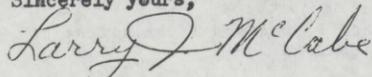
I wish to express my opposition to the appointment of Sidney P. Marland, Jr. to be the commissioner of education.

Mr. Marland's attitude toward teacher rights and teacher organizations make him unacceptable to any teacher.

His close relationship with businesses that stand to benefit from U.S. Office of Education spending create the probability of a conflict of interests should his appointment gain senate approval.

Thank you.

Sincerely yours,



Larry J. McCabe

Lumber and Saw Mill Workers

LOCAL No. 1407 1247 WILMINGTON BLVD. WILMINGTON, CALIFORNIA - 90744

UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA - AFL-CIOPHONE TE. 4-2134
PHONE SP. 5-6696
PHONE TE. 4-2549

October 16, 1970

The Honorable Ralph Yarborough
U.S. Senator
United States Senate
Washington, D. C.

Dear Sir:

I feel it is my duty as a registered voter, to write you regarding my opposition to the nomination of Sydney P. Marland, Jr.

I firmly believe, due to Mr. Marland's pass record, that he would be a detriment to the future of the American people as individuals, by disallowing them their right of free speech, plus the denial of our teachers to join the organization of their choice in relation to collective bargaining and their right to strike, as long as it is for the betterment of those within the Unified School System.

Therefore, I urge you to oppose Sidney P. Marland's nomination as United States Commissioner of Education.

Sincerely yours,

Frank Bowman
Financial Secretary
Business Representative
Local 1407

[Telegrams]

AMERICAN COUNCIL ON EDUCATION,
Washington, D.C., September 23, 1970.

HON. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare,
Washington, D.C.

The higher education community is delighted by the nomination of Sidney P. Marland to be Commissioner of Education. We hope and respectfully urge that this nomination receive speedy confirmation. The Office of Education at this time greatly needs the leadership he can provide.

LOGAN WILSON, *President.*

NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS,
Washington, D.C., September 23, 1970.

Senator RALPH W. YARBOROUGH,
460 Old Senate Office Building,
Washington, D.C.

The 35,000 member National Association of Secondary school principals hails the appointment of Dr. Sidney Marland as U.S. Commissioner of Education. His leadership in this high post will result in giant steps forward for American education.

OWEN B. KIERNAN, *Executive Secretary.*

CHICAGO TEACHERS UNION,
Chicago, Ill., September 30, 1970.

Senator RALPH W. YARBOROUGH,
Senate Labor and Welfare Committee,
Senate Office Building, Washington, D.C.

Because of Sidney Marland's antiteacher union attitude in Illinois and Pittsburgh and his close relationship with industrial complex, Chicago Teachers Union believes he is unfit to be Commissioner of Education. Urge you to do all possible to prevent Senate confirmation.

JOHN E. DESMOND, *President.*

SAN MATEO, CALIF., October 5, 1970.

RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

Urge you to actively oppose nomination of Sydney P. Marland, Jr., as U.S. Commissioner of Education. Throughout his career he has opposed allowing teachers the basic right to join organizations of their own choosing for collective bargaining purposes and have thus classified them as second class citizens. Please oppose his nomination.

TRI-STATE COUNCIL.

BARTENDERS UNION LOCAL 41,
San Francisco, Calif., October 5, 1970.

SENATOR RALPH YARBOROUGH,
Chairman, Senate Labor and Public Welfare Commission,
Senate Office Building, Washington, D.C.

The officers and members of this organization respectfully request that you vigorously oppose the nomination of Sydney P. Marland, Jr., as U.S. Commissioner of Education.

WILLIAM McCABE, *Secretary-Treasurer.*

AFL-CIO LAUNDRY
AND DRYCLEANING INTERNATIONAL UNION 3010,
San Francisco, Calif., October 12, 1970.

SENATOR RALPH YARBOROUGH,
Washington, D.C.

Our general membership asks strongly that you oppose nomination of Sydney P. Marland, Jr. as the U.S. Commissioner, because he is a threat to the future of public education and a direct affront to the teaching profession.

HENRY M. ROMIGUIERE, *Executive Secretary.*

BUS DRIVERS UNION LOCAL 1309,
San Diego, Calif., October 19, 1970.

SENATOR RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

Respectfully urge vote against confirmation of Sydney P. Marland Junior nominated for commissioner of education.

DAVID H. MOORE.

DUNSMUIR, CALIF., *October 10, 1970.*

Hon. RALPH YARBOROUGH,
The U.S. Senate

MY DEAR SENATOR YARBOROUGH: In reference to President Richard M. Nixon's nomination of Sydney P. Marland, Jr., as U.S. Commissioner of Education. I urge you to oppose this nomination account of Sydney P. Marland, Jr., position to be in opposition to the right of teachers to join organizations of their own choice for collective bargaining purpose.

Yours truly,

LEIF L. LONEY.

MEETS SECOND AND FOURTH
THURSDAY OF EACH MONTH

Building and Construction Trades Council



OF SAN JOAQUIN COUNTY

2626 N. CALIFORNIA ST.
STOCKTON, CALIF. 95204
TELEPHONE *****
463-7108

October 7, 1970

HONORABLE SENATOR RALPH YARBOROUGH
U. S. Senate Building
Washington, D. C.

Dear Senator Yarborough:

The San Joaquin, Calaveras, Alpine and Amador Counties
Building and Construction Trades Council urge your
opposition to the nomination of Sydney P. Marland, Jr.
as United States Commissioner of Education.

Sincerely,

Bill Dorsey
Bill Dorsey, Secretary
San Joaquin, Calaveras, Alpine and
Amador Counties Building Trades Council

BD/vk
oteiu #29-afl-cio



CALIFORNIA STATE COUNCIL OF CARPENTERS
UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA
995 MARKET STREET • SAN FRANCISCO, CALIFORNIA 94103 • PHONE 781-0866

G. A. McCULLOCH
President

ANTHONY L. RAMOS
Executive Sec'y-Treas.

GEORGE ZACK
Vice-President

October 8, 1970

Senator Ralph Yarborough
Senate Office Building
Washington, D. C.

Dear Senator Yarborough:

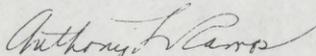
It comes to my attention that President Nixon has nominated Sydney P. Marland, Jr. as United States Commissioner of Education.

Mr. Marland's attitude towards organized Labor, and particularly with regard to the right of teachers to organize for purposes of collective bargaining, is an anachronism and would jeopardize the future of public education.

On behalf of the membership of this organization, I respectfully request that you oppose Mr. Marland's nomination.

Thank you for your consideration in this matter.

Very truly yours,


Anthony L. Ramos
Executive Officer

ALR:bs
ope-3/afl-cio(154)

International Brotherhood of
Boilermakers, Iron Ship Builders **Blacksmiths, Forgers and Helpers**

AFFILIATIONS
 INT. BRO. OF BOILERMAKERS DISTRICT LODGE 44
 CALIFORNIA LABOR FEDERATION A.F.L.-C.I.O.
 S. F. LABOR COUNCIL
 S. F. BUILDING TRADES COUNCIL
 SANTA CLARA BUILDING TRADES COUNCIL
 FRESNO BUILDING TRADES COUNCIL
 HUMBOLDT BUILDING TRADES COUNCIL
 CALIFORNIA STATE BUILDING TRADES COUNCIL
 BAY CITY METAL TRADES COUNCIL
 PACIFIC COAST DISTRICT METAL TRADES COUNCIL
 PACIFIC COAST IRON SHIP BUILDERS DISTRICT MARINE COUNCIL



LOCAL NO. 6

155 - 10TH STREET
 TELEPHONE 861-3828 OR 861-3829
 E. P. RAINBOW BUSINESS MANAGER
 L. H. CHILTON SECRETARY-TREASURER
 SAN FRANCISCO, CALIF. 94103

October 8, 1970

Senator Ralph Yarborough
 Senate Office Building
 Washington, D.C. 20510

Re: Nomination S.P. Marland, Jr. as
U. S. Commissioner of Education

Dear Senator:

Please be advised that by action of the membership at our regular meeting held October 3, 1970, by unanimous vote, request that you oppose the nomination of S.P. Marland, Jr. as Commissioner of Education as he lacks the qualifications for that office.

We urge you to oppose and vote against his nomination.

Very truly yours,

L. H. Chilton

L. H. Chilton
 Secretary-Treasurer Local 6.

LHC:w
 ope-3-af1-cio (6)

415 CHAPALA STREET
 TELEPHONE: (805) 866-8711
 MEETINGS: 1ST WEDNESDAY

BUILDING AND CONSTRUCTION TRADES COUNCIL

OF SANTA BARBARA COUNTY - AFL - CIO
 SANTA BARBARA, CALIFORNIA 93101



BILL FILLIPPINI, SECRETARY
 October 7, 1970

The Honorable Ralph Yarborough
 Senate Office Building
 Washington, D. C. 20510

Dear Senator Yarborough:

The last few days have been spent studying the past history of President Nixon's nomination of Sidney P. Marland, Jr., as United States Commissioner of Education. As a result, we have reached the conclusion that this nomination is ill-advised and unworthy of the great traditions of public education in America.

As Chairman of a Junior College School District, as well as one with a long association with our local public schools because of my position with organized labor, I feel somewhat qualified to pass judgment on this situation.

It is true, and I am conscious of the fact, that serious problems exist on many of our campuses. However, it is equally true that many people (including some elected officials) are exploiting these problems for personal gain to the extent that irresponsible and/or extreme reactionary forces are making waves which could ultimately destroy the public education system of our country - the very basic fiber of our Democracy.

Perhaps to many the appointment of the Commissioner of Education is not nearly as important or as glamorous as the appointment of a Supreme Court Justice; however, we believe that it is equally if perhaps not more important. Judges come from education - not vice versa. I therefore believe that the closest scrutiny should be given to this important position.

The record of Sidney P. Marland, Jr., does not indicate that he is qualified, nor has he earned the right to this position. He has had a negative attitude toward teachers' rights and has been too closely associated with the needs of "the education business" rather than the needs of education per se.

Now is the time for objectivity, reasonableness and constructive leadership, not pre-conceived prejudices and perhaps conflict of interest.

We therefore seek your opposition to confirmation of this nomination. Thank you.

Very truly yours,

W. L. Fillippini

W. L. Fillippini, SECRETARY

WLF:g



Central Labor Council of Alameda County

AFL-CIO



2315 VALDEZ STREET, Room 305

OAKLAND, CALIFORNIA 94612

Telephone 444-6510

October 8, 1970

RUSSELL R. CROWELL,
President

RICHARD K. GROULX,
Executive Secretary-Treasurer

EDWARD J. COLLINS,
Assistant Secretary

Senator Ralph Yarborough, Chairman
Senate Labor and Public Welfare Committee
Senate Office Building
Washington, D.C. 20510

Dear Senator:

I have been instructed by the delegates to our Council to urge you to oppose the nomination of Sydney P. Marland, Jr., as U. S. Commissioner of Education.

Mr. Marland has been an outspoken foe of the right of teachers to join organizations of their own choosing for collective bargaining purposes.

Again, we urge you to oppose Mr. Marland's nomination with all the vigor you can command.

Sincerely,

Richard K. Groulx
Richard K. Groulx
Executive Secretary

RKG:cb
opeu:29
afl-cio



SACRAMENTO CENTRAL LABOR COUNCIL AFL-CIO

Embracing Amador, El Dorado, Nevada, Placer, Yolo and Sacramento Counties

PHONE 442-4983

1210 H STREET

SACRAMENTO, CALIFORNIA 95814

Office of
JOE SELENSKI
Executive Secretary

JAMES F. ALEXANDER
President

ADDRESS ALL COMMUNICATIONS
TO THE EXECUTIVE SECRETARY

October 7, 1970

The Honorable Ralph Yarborough
Chairman, Senate Labor and Public
Welfare Committee
United States Senate
Washington, D.C. 20510

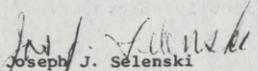
Dear Sir:

The Sacramento Central Labor Council has gone on record in opposition to the nomination of Sydney P. Marland, Jr., as United States Commissioner of Education.

Throughout his career, Marland has continually taken stands against labor. His background in education proves that he is not a modern progressive educator, and we feel sure there are men far more capable of serving the country in this area.

We urge that you oppose Marland's nomination to this very important position.

Sincerely yours,


Joseph J. Selenski
Executive Secretary

JJS:sc
opeu #29/afl-cio

: : AFFILIATE OF THE CALIFORNIA LABOR FEDERATION AND CENTRAL LABOR COUNCIL OF ALAMEDA COUNTY : :

UNITED TELEGRAPH WORKERSAFFILIATE OF THE
AFL-CIOFORMERLY THE COMMERCIAL TELEGRAPHERS' UNION
WESTERN UNION DIVISION

LOCAL 208

OAKLAND, CALIFORNIA 94612

1419 BROADWAY • ROOM 633

October 2 1970

The Honorable Ralph Yarborough
Senate Office Building
Washington D C 20510

Dear Senator

This is to seek your aid; as Chairman of the Labor and Public Welfare Committee to prevent the confirmation of Sydney P Marland Jr; as United States Commissioner of Education.

Mr Marland has been an outspoken foe of the right of teachers to join organizations of their own choosing for collective bargaining purposes. Recently he urged Congress to enact federal legislation to deny teachers the right to strike.

Teachers must have the means to establish a strong organization and the absolute right to exert economic pressure to accomplish a wage structure that will attract the very best people into the profession.

It is also urgent that we have a Commissioner of Education with a philosophy that will not generate more campus strife.

Sincerely,


President

PROVISION HOUSE WORKERS UNION LOCAL 274
A.M.C.&B.W.of N.A.—AFL-CIO

Affiliated With:
Western Federation of Butchers
California Labor Federation AFL-CIO



Los Angeles County Federation of Labor
Food & Drug Council of Los Angeles &
Vicinity

846 South Union Avenue
Los Angeles 17, California
DUnkirk 5-7321

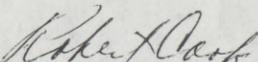
October 2, 1970

The Honorable Ralph Yarborough
United States Senator
Senate Office Building
Washington, D. C. 20510

Dear Senator Yarborough:

I am writing you on behalf of the members of Provision House
Workers Union Local No. 274 to vigorously oppose the nomination
of Sydney P. Marland, Jr., as United States Commissioner of
Education.

Sincerely yours,


Robert Cook, Executive Secretary
Provision House Workers Union #274

RC/lk

cc: Max J. Osslo, International Vice-President
Amalgamated Meat Cutters and
Butcher Workmen of North America

TRAVIS GILLILAND
Fresno No. 144

ED DOWNS
Fresno M-28

BOARD OF DIRECTORS
W. GUY BENNETT
San Jose No. 231

DAVE RICKARDS
Palo Alto No. 521

GEORGE LUCIETTA
Richmond No. 738

EDWIN INGALLS
Bakersfield No. 439

NORTHERN CALIFORNIA TYPOGRAPHICAL CONFERENCE

SUBORDINATE TO AND WORKING UNDER THE JURISDICTION OF THE INTERNATIONAL TYPOGRAPHICAL UNION



President
DAVID L. PIKE
Sacramento No. 46
6724 Maywood Way
Sacramento, Calif. 95482

Vice President
LEON OLSON
San Francisco No. 21

October 8, 1970

Secretary-Treasurer
RUFUS M. DAY
Oakland No. 36
20815 Cambridge Ave.
Hayward, California 94541

Senator Ralph Yarborough, Chairman
Labor and Public Welfare Committee
Senate Office Building,
Washington, D. C. 20016

Dear Senator:

It has come to our attention that President Nixon has nominated Sydney P. Marland, Jr., as United States Commissioner of Education.

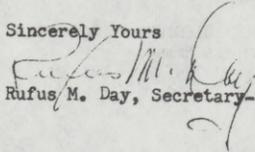
We are surprised and alarmed at this nomination.

Mr. Marland, as an outspoken foe of teachers and their rights under the constitution is well known.

Mr. Marland as a foe of teachers rights has urged Congress to enact federal legislation to deny teachers the right to strike, and would eliminate the teachers right to join whatever organization they may wish for collective bargaining purposes.

Please oppose this nomination when it comes before your Committee and use what ever influence at your disposal to eliminate Mr. Marland as a possible nominee in this important office.

Sincerely Yours


Rufus M. Day, Secretary-Treasurer

**Los Angeles Joint Executive Board of Hotel and
Restaurant Employees and Bartenders Unions, AFL-CIO**

1927 WEST NINTH STREET • LOS ANGELES, CALIFORNIA 90006

388-2334

October 7, 1970

Senator Ralph Yarborough, Chairman
Senate Labor and Public Welfare Committee
Senate Office Building
Washington, D. C. 20510

Re: Nomination of Sydney P. Marland, Jr. as United States
Commissioner of Education

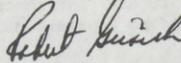
Dear Senator Yarborough:

The Los Angeles Joint Executive Board of Hotel and Restaurant Employees and Bartenders Unions, AFL-CIO, representing over 25,000 members and their families which reaches a population of over 100,000 people in Los Angeles County, request that you oppose the nomination of Sydney P. Marland, Jr. as United States Commissioner of Education.

We have been advised by the National AFL-CIO that Mr. Marland, as late as April of last year urged Congress to enact federal legislation to deny teachers the right to strike. We feel that Mr. Marland's appointment would be a threat to the future of public education and would adversely affect the entire teaching profession.

We request that you advise this office of your intentions regarding this appointment.

Very truly yours,



ROBERT GIESICK
Business Manager

RG:mf
opeiu-30
afl-cio

AFFILIATES

WAITERS UNION
LOCAL 17

BARTENDERS
UNION LOCAL 284

MISCELLANEOUS RESTAURANT
EMPLOYEES UNION
LOCAL 640

COOK UNION
LOCAL 468

WAITRESSES UNION
LOCAL 639

HOTEL MOTEL SERVICE
and CLUB EMPLOYEES
UNION LOCAL 765

HOTEL, MOTEL, RESTAURANT
EMPLOYEES and BARTENDERS
UNION LOCAL 694



OFFICE PHONE 673-3139

WAITERS' AND DAIRY LUNCHMEN'S UNION, Local 30

Subordinate To
Hotel and Restaurant Employees'
International Alliance and Bartenders International
League of America



REGISTERED

Affiliated With
A. F. L. - C. I. O.
California Labor Federation
San Francisco Labor Council

PRINTED ON UNION MADE PAPER


OFFICE AND HEADQUARTERS
1040 GEARY STREET
SAN FRANCISCO, CALIF. 94109
October 9, 1970

JAMES ANDERSON, President
SANGIE ESCOVE, Secretary-Treasurer

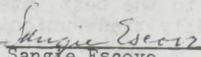
Honorable Ralph Yarborough
Old Senate Office Building, Room 460
Washington, D. C.

Dear Senator Yarborough:

On behalf of the 4100 Members of the WAITERS' and DAIRY LUNCHMEN'S UNION, Local 30, we are urging you to oppose the nomination of Sydney P. Marland, Jr., as United States Commissioner of Education.

Your efforts in this direction will be greatly appreciated by the Officers and Members of this Local.

Sincerely,


Sangie Escove
Secretary-Treasurer

SE:of
op3 afl-cio

Communications



Workers of America

LOCAL No. 9410

Affiliated with AFL-CIO

240 GOLDEN GATE AVENUE • 474-9410
SAN FRANCISCO, CALIFORNIA 94102



October 7, 1970

Honorable Ralph Yarborough
United States Senate
Washington, D.C.

Dear Senator Yarborough:

The officers and members of Local 9410 of CWA, urge that you oppose the nomination of Mr. Sydney P. Marland Jr. as U.S. Commissioner of Education.

Mr. Marland has reflected a position in the past that is contrary to the best interests of working people and specifically trade-unionists.

Sincerely,

A handwritten signature in cursive script, which appears to read 'G. Patrick Abbott'. The signature is written in dark ink and is positioned above the typed name.

G. Patrick Abbott
Secretary

Meets 1st and 3rd
Tuesday
of Each Month
Carpenters' Hall



United Brotherhood of Carpenters and Joiners of America

PHONE 424-0436

LOCAL UNION NO. 925
422 N. MAIN STREET
SALINAS, CALIFORNIA, 93901

OCTOBER 2, 1970

SENATOR RALPH YARBOROUGH
CAPITOL BUILDING
WASHINGTON, D. C.

RE: NOMINATION OF SYDNEY P. MARLAND
AS U. S. COMMISSIONER OF EDUCATION

DEAR SENATOR YARBOROUGH:

MAY WE PLEASE CALL UPON YOUR SUPPORT IN OPPOSING MR. MARLAND'S NOMINATION. IN OUR OPINION, THERE ARE MANY OTHER MEN WHO HAVE BETTER QUALIFICATIONS FOR THIS MOST IMPORTANT OFFICE. MR. MARLAND HAS A CONTROVERSIAL RECORD AND IS AN OUTSPOKEN FOE AGAINST TEACHERS WHO CHOOSE TO JOIN UNIONS FOR BARGAINING PURPOSES. SURELY THERE ARE MANY OTHERS WHO WILL AT LEAST BE IN THE MIDDLE OF THE ROAD IN THEIR THINKING. WE URGE YOU TO SUPPORT SOMEONE WHO WILL BUILD UP OUR EDUCATIONAL PROCESS AND NOT DESTROY IT.

VERY TRULY YOURS,

Wayne Pierce
WAYNE PIERCE
BUSINESS REPRESENTATIVE

Mel Martin
MEL MARTIN
RECORDING SECRETARY

WP:CA

[Telegrams]

RETAIL STORE EMPLOYEES UNION LOCAL 428 AFL-CIO,
SAN JOSE, CALIF., *October 9, 1970.*

Senator RALPH YARBOROUGH,
Senate Office Building, Washington, D.C.

We oppose nomination of Sydney P. Marland, Jr. as U.S. Commissioner of Education. Marland is consistently opposed to the right of school teachers to exercise rights equal to other professional wage earners and salaried employees. Please vote against this nomination.

JAMES P. McLOUGHLIN, *Secretary Treasurer.*

UNITED CANNERY AND INDUSTRIAL WORKERS OF THE PACIFIC,
Terminal Island, Calif.

HON. RALPH YARBOROUGH,
U.S. Senator, Washington, D.C.

DEAR SIR: Please be advised that we oppose the nomination of Sydney P. Marland, Jr. as U.S. Commissioner of Education. It is our belief that he is incompetent to serve in such an important position as he would come to this office with a built-in prejudice against the right of teachers to join a labor union of their own choosing for the purpose of collective bargaining. We urge that you oppose his nomination.

Sincerely,

STEVE EDNEY, *President.*

CENTRAL LABOR COUNCIL OF FRESNO AND MADERA COUNTIES AFL-CIO,
FRESNO, CALIF., *October 9, 1970.*

Senator RALPH YARBOROUGH,
Senate Office Building, Washington, D.C.

Your opposition to appointing Sydney P. Marland, Jr. to U.S. Commissioner of Education is urged. Marland's record proves beyond questioning that he should be grouped with Carswell and Haynesworth. It would seem that eventually the President would run short of nominating such incompetent and unqualified persons for high positions in his administration.

W. T. O'REAR, *Executive Secretary Treasurer.*

*Carpenters Local No. 1507*UNITED BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICATELEPHONE
GILBERT 8-6763
CUMBERLAND 3-2244

BUSINESS REPRESENTATIVES:

DEAN G. WEDDLE
WILLIAM A. BENNETT
RICHARD A. PARKER3042 HOYT AVENUE
EL MONTE, CALIFORNIA, 91733

RECORDING SECRETARY:

DEAN G. WEDDLE

FINANCIAL SECRETARY:

C. A. 'JOHN' WARD

October 6, 1970

Senator Ralph Yarborough, Chairman
Senate Labor and Public Welfare Committee
Senate Office Building
Washington, D.C. 20510

Dear Senator Yarborough:

Please be advised that at the meeting of our Public Relations and Political Education Committee held on the above date, our Committee unanimously urged that you oppose President Nixon's nomination of Sydney P. Marland, Jr., as United States Commissioner of Education.

Sincerely,

Dean G. Weddle,
Recording Secretary

DGW:jfw
opeiu#30 afl-cio
cc: John F. Henning
Richard W. Mansfield
Robert Hanna

LOCAL UNION NO. 1147

United Brotherhood of Carpenters and Joiners of America

P. O. BOX 9
1036 MELODY LANE



ROSEVILLE, CALIF., October 7, 1970, 19__

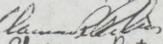
Senator Ralph Yarborough
U. S. Senate
Washington, D. C.

Dear Sir:

The members of Local Union No. 1147 urgently request that you oppose the nomination of Sydney P. Marland, Jr. as U. S. Commissioner of Education.

This appointment, based on Mr. Marland's past record as an outspoken critic of the right to collective bargaining by members of the teaching profession, would be an injustice to the many thousands of people who have dedicated their lives to the education of our nations youth.

Sincerely yours,


Clarence Peters
Recording Secretary

P: lee



International Brotherhood of
BOILERMAKERS • IRON SHIP BUILDERS
 RUSSELL K. BERG, *International President*



International Headquarters
 KANSAS CITY, KANSAS 66101
BLACKSMITHS • FORGERS & HELPERS
 HOMER E. PATTON, *International Secretary-Treasurer*

BOILERMAKER-BLACKSMITH LODGE NO. 10

8440 Enterprise Way, Oakland, California 94621



146

Secretary-Treasurer Business Manager
 Area Code 415—562-8008 Area Code 415—562-7284

October 6, 1970

The Honorable Senator Ralph Yarborough
 Senate Office Building
 Washington, D. C. 20510

Dear Sir:

This letter is being written to strongly urge you to oppose President Nixon's nomination of Sydney P. Marland, Jr. as the United States Commissioner of Education.

As the Business Manager of Boilermaker-Blacksmith Local 10, representing some 3,000 members, it is my feeling that the nomination of Sydney P. Marland by President Nixon would be very detrimental to public education and to the entire teaching profession; therefore, we again strongly urge your vigorous opposition to Marland's nomination.

Thanking you in advance for your assistance in this matter, I remain,

Very truly yours,

TED TINER
 Business Manager

TT:jb
 oteu 29
 afl-cio

*Oil, Chemical and Atomic Workers
International Union*

COALINGA - AVENAL LOCAL NO. 1-2



BOX 645
COALINGA, CALIFORNIA 93210

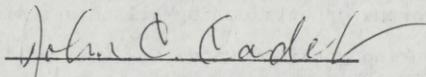
October 5 1970

The Honorable Ralph Yarberough
Senate Office Building
Washington D C

Dear Sir:

We, the members of Local 1-2, Oil Chemical and Atomic Workers International Union, urge you to oppose the nomination of Sydney P. Marland as Commissioner of Education with every means at your command.

Very truly yours


John C. Cadet, Secretary



Sonoma County Central Labor Council AFL-CIO

331 KELLER STREET

• PETALUMA, CALIFORNIA

• TELEPHONE 762-7388

October 7, 1970

The Honorable Ralph Yarborough
 United States Senator
 Senate Office Building
 Washington, D.C.

Dear Senator Yarborough:

We in the AFL-CIO consider the nomination of Sydney Marland, Jr. as United States Commissioner of Education a serious threat to the entire educational system.

Organized labor has been in the forefront in the fight for better free education and for better teachers and teaching methods. We fear that Sydney Marland, Jr. is the wrong man for Commissioner of Education because he would deny teachers of their basic rights. Accordingly, we urge you to vigorously oppose his nomination.

Very truly yours,

SONOMA COUNTY CENTRAL
 LABOR COUNCIL

Everett A. Matzen
 Everett A. Matzen
 Secretary-Treasurer

EAM/bm ope 3 afl-cio (132)

PHONE (415) 421-6542

870 MARKET ST., 94102
ROOM 608

October 6, 1970

Senator Ralph Yarborough
United States Senate
Senate Building
Washington, D.C. 20510

Dear Senator Yarborough:

In behalf of the Local Joint Executive Board of Culinary Workers, Bartenders, Hotel, Motel and Club Service Workers and its 25,000 members and their families, wish to be recorded as opposing the nomination of Sydney P. Mariland, Jr., as United States Commissioner of Education.

In addition we are requesting that the nomination be vigorously opposed with all the power the representative from Texas can command.

Very truly yours,

Joseph Belardi

Joseph Belardi
Executive Secretary

JB:lhl
ope-3-afl-cio

LOCAL UNION 465
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

221 W. WASHINGTON STREET, SAN DIEGO, CALIFORNIA 92103
PHONE 297-2875

October 6, 1970

The Honorable Ralph Yarborough
United States Senate
Washington, D.C. 20510

Dear Sir:

On behalf of Local Union 465, I.B.E.W., its members and officers, I wish to express our very strong opposition to President Nixon's nomination of Sydney P. Marland, Jr., as United States Commissioner of Education.

We feel this nomination is a threat to the future of public education and is a direct affront to the entire teaching profession.

We therefore urge your full opposition to Mr. Marland's nomination.

Sincerely yours,

Robert E. Carley
for: Robert L. Baum
Business Manager

RLB:cjh
opeiu 139:afl-cio

Metal Trades Council of Southern California

Affiliated with
A.F.L. - C.I.O.

2852 East Florence Avenue
Huntington Park, California 90255



Phone:
Ludlow 8-3219
Ludlow 8-3210

President: ALBERT J. SAX
Executive Secretary: WILLIAM H. LASSLEY

October 5, 1970

Senator Ralph Yarborough, Chairman
The Senate Labor & Public Welfare Committee
Senate Office Building
Washington, D. C. 20510

Dear Senator:

I wish to express my opposition to the nomination of Sidney P. Marland for the office of Commissioner of Education.

Mr. Marland has a long history of being in opposition to the right of teachers to join organizations of their own choosing and to bargain collectively for better salaries and other conditions of teaching.

I understand Mr. Marland resigned as Superintendent of Schools in Pittsburgh, Pennsylvania rather than bargain with the American Federation of Teachers after the teachers had won an election.

Mr. Marland has repeatedly urged the passage of legislation to deny the teachers the right to strike and has suggested that the teachers may have been responsible for trouble on the campuses, since some of the teachers had gone on strike.

I do not believe teachers should be treated as second-class citizens. I believe teachers should have the same rights as any other employee, therefore, I respectfully urge you to oppose the nomination of Mr. Marland as U. S. Commissioner of Education.

Sincerely,

William H. Lassley

William H. Lassley
Executive Secretary

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO

LOCAL No. 261

3271 - 18TH STREET • SAN FRANCISCO, CALIFORNIA 94110 • TELEPHONE 826-4550



October 6, 1970

Senator Ralph Yarborough
United States Senate
Senate Office Building
Washington, D.C. 20510

Dear Senator Yarborough:

This organization urges you to oppose the nomination of Sydney P. Marland, Jr. as United States Commissioner of Education.

Mr. Marland has been an outspoken foe of teachers' rights to join organizations of their own choosing for collective bargaining purposes - a right that is theirs under the democratic process.

Mr. Marlands' appointment would be a step backward for public education and a direct affront to the entire teaching profession.

Sincerely,

John P. McLaughlin
Secretary-Treasurer

JPM/jcg

Ope-3-Afl-Cio (88)

JAY JOHNSON, *President*C. R. JOHNSON, *Vice President*GEO. GOODFELLOW, *Sec. Treas.*SAL. MINERVA, *Business Manager**Executive Board*

A. J. GRAHN

R. H. MEDINA

J. F. PETERSEN

*Board of Trustees*

CHARLES BENTON

CHESTER MUCKER

JESSIE PAYNE

Sergeant-at-Arms, ROBERT SPOTTSWOOD

Northern California District Council of Laborers

Affiliated with the

Laborers International Union of North America • American Federation of Labor-CIO, Building and Metal Trade Departments
2601 MISSION STREET • ROOM 509 • 285-3030 • SAN FRANCISCO, CALIFORNIA 94110

October 6, 1970

Honorable Ralph Yarborough, Chairman
Senate Labor & Public Welfare Committee
Senate Office Building
Washington, D.C. 20510

Dear Sir:

This letter is in reference to President Nixon's nomination of Sydney P. Marland, Jr. as United States Commissioner of Education.

The Northern California District Council of Laborers strongly urges you to oppose the nomination of Sydney P. Marland, Jr. as this constitutes a threat to the future of public education and is a direct affront to the entire teaching profession.

Thanking you in advance,

Very truly yours,

Sal Minerva
Sal Minerva
Business Manager

SM:vb
ope-3-af1-cio(36)

COMMUNICATIONS WORKERS OF AMERICA

AFFILIATED WITH AFL-CIO



LOCAL 9581
117A SOUTH PINE STREET
SANTA MARIA, CALIFORNIA

10/3/70

Hon. Ralph Yarborough

I urge you to oppose the nomination of
Sydney P. Marland Jr for the office of
U. S. Commissioner of Education.

My organization is strongly opposed to
this appointment.

Thank You
W. R. Powell



16

SACRAMENTO AREA DISTRICT COUNCIL OF CARPENTERS

2525 STOCKTON BOULEVARD · SACRAMENTO, CALIFORNIA 95817 · 456-4726

Meets first and third Wednesday evening

HAROLD J. NIELSON
Executive Secretary

October 5, 1970

Senator Ralph Yarborough
Senate Office Building
Washington, D. C. 20510

Dear Senator Yarborough:

President Nixon's nomination of Sydney P. Marland, Jr. as United States Commissioner of Education constitutes a threat to the future of public education and is a direct affront to the entire teaching profession.

Mr. Marland, throughout his career, has been an outspoken foe of the right of teachers to join organizations of their own choosing for collective bargaining purposes and as recently as last April urged Congress to enact federal legislation to deny teachers the right to strike.

We strongly urge you to oppose Mr. Marland's nomination.

Very truly yours,

HAROLD J. NIELSON
Executive Secretary

HJN:c1
opeu #29
afl-cio

California Allied Printing Trades Conference

943 HOWARD STREET

SAN FRANCISCO, CALIFORNIA 94103 • PHONE 392-2758



Senator Ralph Yarborough
Senate Office Building
Washington, D.C. 20510

October 5, 1970

Senator Ralph Yarborough:

Public education is the foundation of the American way of life and those who direct its course should be chosen from those who have proven their ability. This ability should not only cover the knowledge of professional standards, but also the ability to solve administrative and personnel problems in the light of modern trends.

My opinion is that Sydney P. Marland Jr. does not meet these qualifications and therefore should not be appointed to the position of United States Commissioner of Education.

Sincerely,

A handwritten signature in cursive script that reads "Paul L. Folden".

Paul L. Folden
Secretary, Treasurer



California State Council



OF CULINARY WORKERS, BARTENDERS AND HOTEL/MOTEL SERVICE EMPLOYEES

AFFILIATED WITH HOTEL AND RESTAURANT EMPLOYEES AND BARTENDERS INTERNATIONAL UNION, A.F.L.-C.I.O.

525 COLORADO AVE. • SANTA MONICA, CALIF. 90401 • 451-9701

LORETTA RILEY
PRESIDENT
SANTA ROSA

JOHN W. MERITT
SECRETARY-TREASURER
SANTA MONICA

C. T. MC DONOUGH
LEGISLATIVE ADVISOR
SAN FRANCISCO

M. R. CALLAHAN
SECRETARY-TREASURER
EMERITUS
LONG BEACH

VICE PRESIDENTS:

DUDLEY WRIGHT
DIST. 1, SAN DIEGO

JAMES STEVENS
DIST. 2, LONG BEACH

JOHN KROSKY
DIST. 3, PASADENA

RUTH COMPAGNON
DIST. 3, LOS ANGELES

MARY OLSON MORAN
DIST. 4, SAN PEDRO

WILLIAM LACY
DIST. 5, SANTA MARIA

LEO VUCHINICH
DIST. 6, FRESNO

JACK WILLIAMS
DIST. 7, STOCKTON

LOUIS BOBKO
DIST. 8, SAN JOSE

WM. "STORMY" WALSH
DIST. 9, SAN FRANCISCO

PAT SANDERS
DIST. 10, OAKLAND

VINCE LICARI
DIST. 11, PITTSBURG

ERNEST COLLICUTT
DIST. 12, NAPA

BARNEY JACKSON
DIST. 13, SACRAMENTO

LUCILLE POPE
DIST. 14, EUREKA

CLARICE RABE
DIST. 15, REDDING

October 5, 1970

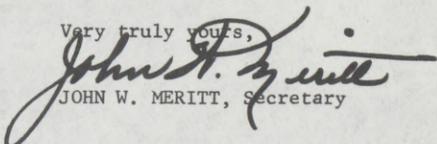
The Honorable Ralph Yarborough
Chairman, Senate Labor & Public Welfare Committee
Senate Office Building
Washington, D. C. 20510

Dear Senator:

Two United States Senators from California
have been solicited to oppose the nomination of
Sydney P. Marland, Jr., as United States
Commissioner of Education.

We also ask you use your good office to
oppose the nomination of Mr. Marland who has
demonstrated a one-sided concept of organizations
engaged in collective bargaining.

Very truly yours,


JOHN W. MERITT, Secretary

JWM:jg
OEIU-30

International Brotherhood



of Electrical Workers

Office of
Local Union
No. 440

AFL-CIO
MEETS FIRST MONDAY

1074 La Cadena Drive
RIVERSIDE, CALIFORNIA
Telephone Overland 4-5665

October 6, 1970

The Honorable Ralph Yarborough
Senate Building
Washington, D. C.

Dear Senator Yarborough:

We are writing to you regarding the nomination of Sydney P. Marland, Jr. as United States Commissioner of Education.

We strongly urge you to oppose this nomination since we feel that it constitutes a threat to the future of public education and is a direct affront to the entire teaching profession.

Mr. Marland has been an outspoken opponent of the right of teachers to join organizations of their own choosing for collective bargaining purposes, and as recently as last April he urged Congress to enact federal legislation to deny teachers the right to strike.

Respectfully yours,

I.B.E.W. LOCAL UNION NO. 440

Kenneth L. Ford

Kenneth L. Ford, Business Manager

KLF:lw

[Telegram]

WESTERN FEDERATION OF BUTCHERS,
San Diego, Calif., October 5, 1970.

RALPH YARBOROUGH,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

Will deeply appreciate your opposing the nomination of Sidney P. Marland, Jr., since we feel that he constitutes a threat to the future of public education.

MAX J. OSSLO, *President.*

[Telegrams]

BAKERSFIELD, CALIF., October 6, 1970.

Senator RALPH YARBOROUGH,
Washington, D.C.:

Am writing in regards in your support in opposing Marland nomination as United States commissioner of education with best wishes and kindest personal regards. I remain respectfully yours.

MICHAEL A. SABLE,
Executive Secretary Butchers Union.

CENTRAL LABOR COUNCIL
OF BUTTE AND GLENN COUNTIES,
Chico, Calif.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Urgently request your no vote on the nomination of Sydney P. Marland, Jr., as United States Commissioner of Education.

Sincerely,

VIRGINIA L. DAVIS,
Secretary-Treasurer.

LOS ANGELES BUILDING AND
CONSTRUCTION TRADES COUNCIL,
Los Angeles, Calif., October 6, 1970.

Hon. RALPH YARBOROUGH,
Washington, D.C.:

The Los Angeles Building and Construction Trades Council on behalf of its affiliated local unions respectfully urges you vigorously oppose the nomination of Sydney P. Marland, Junior, as U.S. Commissioner of Education. We feel his appointment would be a threat to the future of public education and would seriously damage the entire teaching profession.

J. A. CINQUEMANI,
Executive Secretary.

SANTA ANA, CALIF., October 6, 1970.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

I urge you to oppose the nomination of Sydney P. Marland, Jr., for United States Commissioner of Education. This is the request of I. B. F. W. Local 441.

W. A. FERGISON,
Business Manager.

BUTCHERS UNION No. 193,
Bakersfield, Calif., October 6, 1970.

Senator RALPH YARBOROUGH,
Washington, D.C.:

Am writing in regards in your support in *opposing* Marlins nomination as United States Commissioner of Education. With best wishes and kindest personal regards I remain.

Respectfully yours,

MICHAEL A. SABLE,
Executive Secretary.

SAN DIEGO-IMPERIAL COUNTIES LABOR COUNCIL,
San Diego, Calif, October 13, 1970.

Senator RALPH YARBOROUGH,
Chairman, Senate Labor and Public Welfare Committee,
Senate Office Building, Washington, D.C.:

We strongly urge that you oppose the nomination of Sydney P. Marland, Jr., as U.S. Commissioner of Education which in our estimation is a threat to public education.

R. R. RICHARDSON,
Secretary Treasurer.

SAN FRANCISCO, CALIF., October 14, 1970.

SENATOR RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Governing body of San Francisco-Oakland Newspaper Guild urges rejection of Sydney P. Marland nomination as Commissioner of Education. Senate confirmation would constitute a direct affront to organized labor and the teaching profession.

FRED D. FLETCHER,
Executive Secretary.

LOS ANGELES, CALIF., October 13, 1970.

RALPH YARBOROUGH,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR: On behalf of the approximate 2,700 members of our miscellaneous Restaurant Employees Union Local 440 which I represent I respectfully urge you to vigorously oppose Mr. Sidney P. Marland Junior's nomination as United States Commissioner of Education.

Respectfully yours.

M. JACK WOODF,
Secretary Treasurer.

PROFESSIONAL AND TECHNICAL ENGINEERS ASSOCIATION,
October 5, 1970.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: The President's nomination of Sydney P. Marland, Jr. as U.S. Commissioner of Education constitutes a threat to the future of public education and is a direct affront to the entire teaching profession.

Like teachers, we are professionally trained workers engaged in advancing our profession along with the advances in individual contributions to our society. We could not long endure without friends in important governmental positions who understand the importance of progress in the general field of engineering.

We sincerely request that you oppose with vigor Mr. Marland's nomination. The future of our educators and our educational institutions cannot remain progressive with an outspoken foe of teachers rights in a position of leadership.

Sincerely,

ALBERT G. ROSS,
Business Manager.

COLORADO LABOR COUNCIL, AFL-CIO,
Denver, Colo., September 30, 1970.

HON. RALPH YARBOROUGH,
*Chairman, Labor and Welfare Committee,
 U.S. Senate, Senate Office Building, Washington, D.C.*

DEAR RALPH: I am writing you in particular, and I am sure that I do not need to write you about this, concerning the need to reject the nomination of Sidney P. Marland, Jr. as Commissioner of Education.

I am just glad you are still in the U.S. Senate for 'his purpose, at least. I write you not only because of our close relationship for the last several years as the head of a sister State AFL-CIO, but also, as you know, as the Vice President of the American Federation of Teachers with the area of Texas, among others, assigned to my representation.

If you need any special information, and I am sure that both the AFL-CIO and the AFT have supplied you with all you need, just let me know.

Best personal regards.

Sincerely and cordially,

HERRICK S. ROTH,
President.

PITTSBURGH FEDERATION OF TEACHERS,
Pittsburgh, Pa., September 29, 1970.

Senator RALPH YARBOROUGH,
*Senate Office Building,
 Washington, D.C.*

DEAR SENATOR YARBOROUGH: I am enclosing a copy of my letter to Senator Schweiker concerning President Nixon's nomination of Dr. Sidney P. Marland, Jr., to be U.S. Commissioner of Education.

The American Federation of Teachers and I will be grateful for whatever action you can take in this important matter.

Sincerely,

ALBERT R. FONDY,
President, Pittsburgh Federation of Teachers.

PITTSBURGH FEDERATION OF TEACHERS,
Pittsburgh, Pa., September 28, 1970.

Senator RICHARD SCHWEIKER,
Senate Office Building, Washington, D.C.

DEAR SENATOR SCHWEIKER: I write to acquaint you with my personal opposition. and the opposition of the Pittsburgh Federation of Teachers, to the confirmation of Dr. Sidney P. Marland, Jr., to be U.S. Commissioner of Education.

I have been president of the Pittsburgh Federation of Teachers for more than three years, including the period of our 11-day strike for a collective bargaining election in 1968.

I can personally attest to Dr. Marland's economic insensitivity and to his outright hostility to teacher unionism and collective bargaining. I know additionally of his private and vindictive anger at custodial workers who supported the PFT's efforts.

As dedicated teachers we are especially concerned with Dr. Marland's close connection with the so-called "Educational-Industrial Complex." We see an inherent conflict of interest if he is named to the post of Education Commissioner.

The much-ballyhooed Pittsburgh "Great High Schools" plan, for which Dr. Marland once took credit, withered without him and has finally been scrapped by our School Board. While that plan remained alive it diverted funds for school construction and major school progress here for more than five years, not to mention the approximately \$20,000,000 wasted in architectural design and land acquisition.

One personal note I would like to interject is the simple fact that Dr. Marland resigned from Pittsburgh about two weeks after the PFT's election victory, at a time when our school system was obviously in a period of its greatest social and economic distress. It might be said that the union position Dr. Marland had taken publicly provided him with a most convenient excuse to abandon a very difficult situation, a situation of which he had been the overseer for more than five years.

I am enclosing a copy of our Executive Board's resolution concerning Dr. Marland for your further information.

I understand the important decision you face in this whole matter. All of us in the PFT appreciate your concern and action in previous matters about which we have contacted you.

Thank you for your consideration of this letter.

Sincerely,

ALBERT FONDY,
President, Pittsburgh Federation of Teachers, AFT.

RESOLUTION OF THE EXECUTIVE BOARD, PITTSBURGH FEDERATION OF TEACHERS,
AFT, WEDNESDAY, AUGUST 12, 1970

Whereas, the members of the Pittsburgh Federation of Teachers and all the teachers of Pittsburgh are aware that former Pittsburgh school superintendent, Dr. Sidney P. Marland, has consistently opposed collective bargaining for teachers, and

Whereas, the PFT Executive Board is personally aware of Dr. Marland's anti-union attitudes, and

Whereas, Dr. Marland's opposition to the teachers' union and to collective bargaining were the major contributing factors to the precipitation and to the prolongation of the 11-day 1968 teacher strike here in Pittsburgh over the single issue of the holding of a collective bargaining election, and

Whereas, Dr. Marland, in accordance with his own earlier statements, clearly left the city of Pittsburgh because of the PFT's collective bargaining election victory, and

Whereas, his departure from Pittsburgh came at a time when the Pittsburgh Public Schools were in their period of greatest economic and social distress, and

Whereas, collective bargaining for teachers is clearly and irreversibly the wave of the present and of the future for all public school teachers in this country; therefore, be it

Resolved, That the Executive Board of the Pittsburgh Federation of Teachers is opposed to the nomination of Dr. Marland to be U.S. Commissioner of Education, and further be it

Resolved, That the PFT Executive Board urges all concerned organizations and individuals to work in opposition to Dr. Marland's appointment, and finally be it

Resolved, That the PFT Executive Board particularly urges the American Federation of Teachers and our other national affiliates to oppose actively this nomination, and, should the nominated be offered, to fight vigorously against confirmation of such nomination.

[Telegram]

SHEET METAL WORKERS LOCAL 272,
San Mateo, Calif., October 5, 1970.

Senator RALPH YARBOROUGH,
Senate Office Building, Washington, D.C.:

Urge you to actively oppose nomination of Sydney P. Marland, Jr., as United States Commissioner of Education. Through his career he has opposed allowing teacher the basic right to join organizations of their own choosing for collective bargaining purposes and have thus classified them as second class citizens. Please oppose his nomination.

IRVIN ELLENBERGER.

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., September 24, 1970.

HON. RALPH YARBOROUGH,
U.S. Senate, Washington, D.C.

DEAR SENATOR: I believe you will be interested in the enclosed statement by President Meany on the nomination of Sidney P. Marland, Jr., to be United States Commissioner of Education. The statement clearly speaks for itself.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

Enclosure.

AFL-CIO PRESIDENT GEORGE MEANY TODAY ISSUED THE FOLLOWING STATEMENT

It is unfortunate that President Nixon has nominated Sidney P. Marland, Jr. as United States Commissioner of Education. We do not consider him fit to fill that position. His nomination is both an affront to the entire teaching profession and a threat to the future of public education.

Marland has been closely associated with the business community and throughout his entire professional career he has been an outspoken enemy of the right of teachers to join together in organizations of their own choosing.

In Connecticut and Illinois, as well as in Pittsburgh, Dr. Marland took an uncompromising position against unions for teachers. With blunt impartiality, Marland opposed both the American Federation of Teachers and the National Education Association, saying, "In Pittsburgh, we have accepted neither the NEA nor the Union as such. There is no bargaining and no negotiating." As recently as April of this year, Dr. Marland urged Congress to enact federal anti-strike legislation for teachers.

Even more alarming than Dr. Marland's opposition to the rights of teachers to bargain through the organization of their choice is his close relationship to industrial leaders who are greedy for a share of the education dollar. As president of the Institute for Educational Development, Marland has worked to "close the circle between education, industry and government," even suggesting to Congress that tax incentives be devised to further this goal.

We intend to fight this nomination vigorously when it comes before the Senate for confirmation.

BROOKLYN, N.Y., October 25, 1970.

DEAR SENATOR YARBOROUGH: I hope you and your fellow Committeemen will decide *against* the nomination of Mr. Marland for the office of U.S. Commissioner of Education. He is anti-union, against teachers' rights, and believes in the voucher system and performance contracting, which will kill our public school system. Thank you.

Anxiously,

M. MORGENSTERN.

FLORIDA ASSOCIATION OF COUNTY SUPERINTENDENTS,
October 8, 1970.

HON. RALPH YARBOROUGH,
Chairman, U.S. Senate Labor and Public Welfare Committee,
New Senate Office Building, Washington, D.C.

DEAR SENATOR YARBOROUGH: At a meeting on September 30, 1970, the Board of Directors of our Association endorsed very strongly the President's appointment of Dr. Sidney P. Marland, Jr., to the post of U.S. Commissioner of Education. We feel that Dr. Marland is imminently qualified for this important public post.

Therefore, at the Board's direction, I am writing you to respectfully request prompt action on the hearings to be conducted by the Senate Labor and Public Welfare Committee, since this post was vacated four months ago.

May I thank you in advance for your serious consideration of our request.

Sincerely,

RAY TIPTON,
Executive Secretary.

CALIFORNIA COMMUNITY COLLEGES,
Sacramento, Calif., October 6, 1970.

U.S. SENATE,
Chairman, Committee of Labor and Public Welfare,
Senate Office, Washington, D.C.:

Urge prompt and favorable action on hearing on nomination of Sidney P. Marland, Jr., for U.S. Commissioner of Education. Long vacancy of position has

not helped education and Marland record in New York and Pennsylvania worthy of Senate confirmation.

SIDNEY W. BROSSMAN,
Chancellor.

ARKANSAS SCHOOL ADMINISTRATORS ASSOCIATION,
Little Rock, Ark., September 29, 1970.

HON. RALPH YARBOROUGH,
Chairman, U.S. Senate Labor and Public Welfare Committee,
New Senate Office Building, Washington, D.C.

DEAR SENATOR YARBOROUGH: School administrators in Arkansas were very pleased to learn that President Nixon had appointed Dr. Sidney P. Marland, Jr. to the post of U.S. Commissioner of Education. We feel that he has the background to do an outstanding job in working to solve the problems of American public education.

We urge his confirmation without undue delay.

Respectfully yours,

EDWARD R. TEETER,
Director of Administrative Activities and Services.

HUGHES, McELROY, CONNELL, FOLEY & GEISER,
Newark, N.J., September 28, 1970.

HON. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: It has come to my attention through the press that Mr. Sidney Marland has been nominated by the President as Commissioner of Education. May I take the liberty of expressing my opinion concerning this appointment?

The Higher Education Act of 1966 in New Jersey was one of the finest achievements of a Legislature which came into office with me in 1965. We created a new Department of Higher Education and also created a separate Department of Education. I spent many months in seeking out a fine Commissioner of Education. Among those that I invited to come to New Jersey was Sidney Marland, who was then Director or Commissioner of Education in the Pittsburgh school system. He was recommended to me by innumerable educational authorities and I went to Pittsburgh to meet him personally. I had the very highest impression of Sidney Marland, but received from him the unhappy decision that he felt that loyalty required him to continue to struggle with the school problems in Pittsburgh. My recollection is that this man was very highly thought of, for instance, by the late Dave Lawrence, who, despite all the honors given him by Presidents, never lost his interest in the Pittsburgh educational system. This alone, it seems to me, would be a very high recommendation.

I talked to other educational people about Sidney Marland, one of whom by the merest chance I met on the street only today. Mr. John E. Dwyer is Superintendent of Education in Elizabeth, New Jersey, and he is one of the leaders in our State in that field. He reminded me that he had told me years ago what an excellent man Sidney Marland was.

I, therefore, recommend Sidney Marland very highly to you as Commissioner of Education; I believe his incumbency would reflect great credit on the country.

All my best personal wishes.

Respectfully yours,

RICHARD J. HUGHES.

THE ROCHESTER PUBLIC SCHOOLS,
Rochester, Minn., September 29, 1970.

HON. RALPH YARBOROUGH,
U.S. Senate Labor and Public Welfare Committee, New Senate Office Building,
Washington, D.C.

DEAR SIR: I have just read the announcement of the appointment of Dr. Sidney P. Marland, Jr. to the post of U.S. Commissioner of Education. I would urge prompt action on the hearings to be held before the Committee which you

chair, on Dr. Marland's appointment to the post which has been vacant since June 10.

I am sure that you can understand the concern of all of us in education that this position be filled as soon as possible.

Sincerely,

J. A. KINDER,
Superintendent.

DEPARTMENT OF PUBLIC INSTRUCTION,
City of Newport, R.I., September 30, 1970.

HON. RALPH YARBOROUGH,
*Chairman, U.S. Senate Labor and Public Welfare Committee,
New Senate Office Building, Washington, D.C.*

DEAR SENATOR YARBOROUGH: May I urge prompt action on hearings concerned with filling the post of Commissioner for the Office of Health, Education and Welfare. I refer in particular to the nomination of Dr. Sidney P. Marland, Jr. as Commissioner. You realize that this post has been vacant for some time now and it is in the best interest of all that this position be filled as soon as possible.

I would also like to congratulate you for the tremendous job you have done in the past years as Senator. I am very sorry that you will be leaving this post.

Sincerely yours,

JOHN F. MACDONNELL,
*Superintendent of Schools and President of the R. I. Association of
School Superintendents.*

INDIANA ASSOCIATION OF PUBLIC SCHOOL SUPERINTENDENTS,
Bloomington, Ind., September 29, 1970.

HON. RALPH YARBOROUGH,
*Chairman, U.S. Senate Labor and Public Welfare Committee,
New Senate Office Building, Washington, D.C.*

DEAR SENATOR YARBOROUGH: I am writing to express hope that your committee will be able to promptly hold hearings on the recent appointment of Dr. Sidney E. Marland, Jr. as U.S. Commissioner of Education.

Since the Commissioner's post has been vacant for several months and since education is one of the significant concerns of this Nation, it seems logical to me that the new commissioner should be confirmed as soon as possible.

I would want to go on record as being supportive of the nomination of Dr. Marland. His experience as a public school administrator in both Illinois and Pennsylvania leaves me to believe he understands the problems facing public education today.

Very truly yours,

HARMON A. BALDWIN,
Executive Director.

WESTSIDE COMMUNITY SCHOOLS,
Omaha, Nebr., September 30, 1970.

HON. RALPH YARBOROUGH,
*Chairman, U.S. Senate Labor and Public Welfare Committee,
New Senate Office Building, Washington, D.C.*

DEAR MR. YARBOROUGH: The Nebraska Council of School Administrators, representing the school supervisory and administrative personnel of Nebraska, urge you and your committee to begin prompt action on the hearings to appoint Dr. Sidney P. Marland, Jr. as Commissioner of Education. We express our concern to you that the position of U.S. Commissioner has been vacant since June 10, 1970, and prompt action is necessary to assure education of vigorous and strong leadership at the federal level.

We believe the appointment and the Senate's confirmation of Dr. Marland will assure education of creative and dynamic leadership. Dr. Marland was an

outstanding school administrator, highly respected by his colleagues. We endorse his appointment with enthusiasm and urge your prompt consideration of his confirmation.

Sincerely,

H. VAUGHN PHELPS,
President, Nebraska Council of School Administrators.

DANBURY PUBLIC SCHOOLS,
Danbury, Conn., September 30, 1970.

HON. RALPH YARBOROUGH,
*Chairman, U.S. Senate Labor and Public Welfare Committee,
New Senate Office Building, Washington, D.C.*

MY DEAR SENATOR YARBOROUGH: Recently President Nixon announced the appointment of Dr. Sidney P. Marland, Jr. to the post of United States Commissioner of Education. In view of the fact that the post has been vacant since June 10 and school sessions have been in operation for a month, it is urged that your committee take prompt action on such hearings as may be necessary to move the appointment towards confirmation by the Senate.

Sincerely yours,

EDWARD A. SILLARI,
President, Connecticut Association of Public School Superintendents.

KANSAS ASSOCIATION OF SCHOOL ADMINISTRATORS,
October 2, 1970.

HON. RALPH YARBOROUGH,
*Chairman, U.S. Senate Labor and Public Welfare Committee,
New Senate Office Building, Washington, D.C.*

DEAR SENATOR YARBOROUGH: I am not personally acquainted with Dr. Sidney P. Marland, nominee for the position of U.S. Commissioner of Education. His background, as a former superintendent of schools, makes him highly acceptable to school administrators in the state of Kansas. We feel it is important to have someone in this post who recognizes the importance of public school education and the basic educational foundation provided in kindergarten through grade twelve.

This post has been vacant for some time and Kansas school administrators urge you to move as quickly as possible to recommend Dr. Marland's nomination to the Senate.

Sincerely,

CHARLES L. STUART,
President.

SPOKANE PUBLIC SCHOOLS,
Spokane, Wash., October 5, 1970.

HON. RALPH YARBOROUGH,
*Chairman, U.S. Senate Labor and Public Welfare Committee, New Senate
Office Building, Washington, D.C.*

DEAR SENATOR YARBOROUGH: As President of the Washington Association of School Administrators, which is the organization of school superintendents in the State of Washington, I would like to urge your committee to take quick action on the approval of the appointment of Dr. Sidney P. Marland, Jr. to the post of U.S. Commissioner of Education. The post has been vacant for too long a period now, and our concern for the education programs of the country dictate that this condition should not persist. We are pleased that Dr. Marland has been a practicing public school administrator and assure you that we will cooperate with him in every way possible in this post.

Sincerely yours,

WALTER A. HITCHCOCK,
President, Washington Association of School Administrators.

[Telegrams]

KANSAS CITY MO., *September 30, 1970.*

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: May I urge the approval of Mr. Sydney Marland for U.S. Commissioner of Education. He is a well qualified candidate. He has shown leadership in educational innovations and education suffers from the long time vacancy of this position.

Sincerely,

Dr. LESLIE KOLTI,
Chancellor, Metropolitan Junior College District of Kansas City.

PHOENIX ARIZ., *September 30, 1970.*

Hon. CHARLES YARBOROUGH,
Chairman, Committee on Labor and Public Welfare,
U.S. Senate, Washington, D.C.:

I would like to add my support and encouragement for the appointment of Mr. Sydney Marland as the Commissioner of the Office of Education. His past experience of demonstrated leadership in public education and his awareness of the importance of community colleges well qualifies him for the commissioner's position. sincerely hope your committee confirms his nomination.

JOHN T. CONDON,
Executive Director Arizona State Board of Directors for Junior Colleges.

SANTA BARBARA CALIF.

Hon. RALPH YARBOROUGH,
Chairman, U.S. Senate Labor and Public Welfare Committee,
New Senate Office Building Washington, D.C.:

Urge prompt action on hearings on nomination of Dr. Sidney P. Marland, Jr., as U.S. Commissioner of Education. Post was vacated early last June. This vacancy should be filled for the welfare of U.S. education.

NORMAN SHERER,
Superintendent, Santa Barbara City Schools.

COMMUNITY ACTION PITTSBURGH, INC.,
Pittsburgh, Pa., September 28, 1970.

Senator RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, New Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: As Pastor of one of the oldest Baptist Churches in the Pittsburgh Community and as an employee in a community oriented organization and as a frequent broadcaster on the radio station most listened to by the Black Community, I would like to share with you my concerns in the recent appointment of Doctor Sidney P. Marland, Jr. by the President to the position of Commissioner of Education.

Doctor Marland was Superintendent of Schools in Pittsburgh when there was a national trend towards organizing the teachers on the one hand and when there was general disruptions of school activities on the other. This was a situation that he inherited and with which he had to live because of archaic methods in the selection and appointment of School Board Members and because of illegality of contracting with professional groups in the State of Pennsylvania.

His reaction to the latter was in keeping with the laws of Pennsylvania. His reaction to the dissatisfaction in the community regarding the Board of Education was carefully thought out in that he was an employee of the Board and has nothing to do with the selection of Board members, which was the crux of the dissatisfaction.

There was the additional problem of dealing with many dissident groups and a multiplicity of minority group demands. These demands not only taxed the best minds available, locally but on a national scale. Doctor Marland attempted to

deal with the problems in a fair manner and in keeping with the legal restrictions, actual and implied. In spite of the tenebrous times, his definite and clear cut stance gave some ray of hope in those instances where a listening ear could be found.

In Doctor Marland, we witnessed a man standing his own ground in the midst of confusion and antagonism. Many of his recommendations certainly pointed to many valid and possible solutions to many pressing problems later became more pronounced because possible solutions were ignored. His recommendation for effecting racial balance and relieving over-crowded conditions in many schools proved to be effective.

I believe that organized criticism because of the stand taken by Doctor Marland in Pittsburgh is unjustified largely because his hands were tied by State regulations that were in force at that time. In this phenomenon, hysteria and seeking for personal publicity coupled with fighting between two groups pressuring for recognition combined to create a condition of chaos.

Dr. Marland's administration in Pittsburgh was characterized by imagination, forcefulness and total dedication to the development of an outstanding program of Education. I believe that this same kind of dedication would be forthcoming should he be confirmed by your Committee in this recent appointment. His past experience and background fits him well for this high level position and for dealing with the myriad problems that are extant across our country in the field of education at this time.

There are many other former and present workers for the Board of Education who join with me in expressing the same sentiment. This is true of the teachers who are members of my own congregation as well as other teachers with whom I have talked concerning this appointment.

Even though I feel that the answer to our educational problems cannot be generated in Washington, but must come from the well meaning citizens, especially parents from the various communities across the country, it is imperative that we have in this top position, a man with the administrative background, the academic achievement and the breath of imagination as exemplified by Doctor Marland.

I would like for this communication to be included in any records used by the Committee in considering him for this position and if necessary, I would be happy to testify in person before the Committee.

Sincerely yours,

C. LEROY HACKER,

Director, Inter-Agency Relations; Pastor, Shiloh Community Baptist Church; Lieutenant Colonel, Chaplain, USAR.

[From the Pittsburgh Press, Sept. 25, 1970]

EDUCATION HASSLE—MARLAND RUNS SHOW HIS WAY

(By Kenneth Eskey, Scripps-Howard staff writer)

People who said Dr. James E. Allen Jr. was too controversial to be an effective U.S. Commissioner of Education probably are saying the same thing now about the man nominated to succeed him.

Even before his name was sent to the Senate for confirmation, Dr. Sidney P. Marland Jr. was under attack by the AFL-CIO, which regards him as anti-union.

Dr. Marland, a 56-year-old Connecticut Yankee who won the Distinguished Service Cross as an infantry officer in the Pacific during World War II, was not exactly a bland choice for the job.

To say that Dr. Marland is abrasive would be untrue. He has charm and tact. He makes a conscious effort to separate his private preferences (on school prayer and Bible reading, for example) from his public statements.

But there is no doubt that Dr. Marland runs the show his own way—and anyone who thinks otherwise hasn't seen him in action.

One obvious difference between Dr. Marland and Dr. Allen, who was fired by the Nixon administration in June, is that Dr. Allen has been an outspoken advocate of busing to end school segregation.

Contrary to some reports, Dr. Marland did not favor busing for racial balance during his five years (1963 to 1968) as superintendent of schools in Pittsburgh.

CROSS-BUSING OF PUPILS OPPOSED

Dr. Marland believed cross busing to achieve a racial mix simply would drive more white parents to the suburbs. He was criticized by both the National Association for the Advancement of Colored People and the Urban League.

But he stuck to his guns, and Pittsburgh stuck closely to the neighborhood-school pattern.

The Marland approach to desegregation was a proposal to build five "Great High Schools," each with 5,000 to 6,000 students, serving the entire city of Pittsburgh.

The new high schools were to draw students from such large areas that white and black children would be brought together naturally rather than by some artificial mixing process.

As Dr. Marland visualized it, the new schools would be so academically excellent and so innovative in design that suburban parents might have second thoughts and move back to the city.

However, three months ago, after spending \$16 million on land and \$5 million on architects and consultants, the Board of Education abandoned the Great High Schools project—calling it impractical, expensive and totally lacking in public support.

Dr. Marland came to Pittsburgh after 16 years as superintendent in two affluent suburbs, Darien, Conn., and Winnetka, Ill. He came, as he put it, because "the desperate problems in education reside today in the big cities."

PUBLIC CONFIDENCE INSPIRED

Even his critics conceded he was a strong executive—a man who attracted millions of dollars in federal and foundation funds to the city, inspired public confidence, and had exceptional leadership and administrative qualities.

The issue that probably did as much as anything to dislodge Dr. Marland from Pittsburgh was collective bargaining for teachers.

While he didn't discourage teachers from joining unions, he was adamantly opposed to the formal bargaining situation in which teachers sit on one side of the table and the school board and superintendent sit on the other.

Instead, he tried to set up a professional advisory commission in which teacher groups could express themselves through the administration rather than directly to the board.

At the time, Pennsylvania had no law requiring bargaining with public employees but Dr. Marland's objections were as much philosophical as legal.

He considered himself the "head teacher"—the intermediary between teachers and school board. And he made it clear in a back-to-school speech in 1967 that he would "rather switch (jobs) than fight" his own faculty at the bargaining table.

His resignation in June, 1968, came only a few weeks after the American Federation of Teachers won the tentative right to bargain for Pittsburgh's 3,000 teachers.

[From the Pittsburgh Press, Sunday, Sept. 27, 1970]

THE MARLAND NOMINATION

To hear his critics tell it, Dr. Sidney P. Marland Jr. would be a disaster as U.S. commissioner of education.

"We're going to fight him all the way," vowed a spokesman for the AFL-CIO after Dr. Marland's name was sent to the Senate by President Nixon.

The reason for this implacable opposition is that Dr. Marland, when he was superintendent of schools in Pittsburgh, said some negative things about collective bargaining for teachers—an area, by the way, in which he would play no direct role as commissioner of education.

It also has been pointed out that Dr. Marland has a reputation for "educational gimmicks" (new ideas). And we can't have any of that, can we?

What the critics fail to mention is that Sidney Marland, whatever his faults, is one of the more energetic, innovative, tough-minded and widely respected men in public education.

His leadership capabilities are so obvious that even the president of the AFL-CIO Pittsburgh Federation of Teachers (who often disagreed with Dr. Marland) once described him as an "excellent and very competent superintendent."

Dr. Marland probably is as well qualified as anyone to make some sense out of a federal education complex that spends \$4 billion a year on 80 different programs that range all the way from nursery schools (Head Start) to graduate schools.

One of his special assets in Pittsburgh was a talent for getting and using federal and foundation funds in poverty neighborhoods—where the schools needed all the help they could get.

The U.S. Office of Education has been operating without a commissioner for more than three months. That's too long. Unless his critics can make a better case than they have so far, Dr. Marland should be given a chance to do the job.

UNIVERSITY OF ALASKA,
College, Alaska, October 6, 1970.

HON. RALPH YARBOROUGH,
*Chairman, Senate Labor and Public Welfare Committee,
New Senate Office Building,
Washington, D.C.*

DEAR MR. YARBOROUGH: On the basis of my acquaintance with Dr. Sidney Marland covering the period of fifteen years or more, I would recommend to members of the Senate that confirmation of his appointment as U.S. Commissioner of Education.

I had the pleasure of working with Dr. Marland rather closely during the period that I served as the Superintendent of Schools in the suburban Chicago area. Over the years I have also had an opportunity to know him through activities and mutual acquaintances in connection with programs concerning Harvard University. Since moving to Alaska, I have come in contact with him from time to time.

My experience leads me to conclude that Dr. Marland has the professional qualifications and personal stature necessary to effectively fill the position of U.S. Commissioner of Education.

Sincerely,

CHARLES W. LAFFERTY, *Director.*

BOARD OF EDUCATION,
New Brunswick, N.J., October 8, 1970.

HON. RALPH YARBOROUGH,
*Chairman, Senate Labor and Public Welfare Committee,
New Senate Office Building, Washington, D.C.*

DEAR SENATOR YARBOROUGH: I was very pleased when I learned that Dr. Sidney P. Marland, Jr. had been nominated for the post of U.S. Commissioner of Education. I hope that your committee can speedily seek his confirmation.

I have known Dr. Marland for a number of years, and I feel he is uniquely qualified to lead the nation educationally. You already know, I am sure, that he has served both as a suburban and as a city school superintendent. He has strived to upgrade education in a number of innovative ways. He is personally dedicated to helping the children of the poor as well as children of all segments of our society.

He is respected by his fellow superintendents. He is feared by those who fight needed changes in education. In the years I have known him I have found him to be judicious in his decision-making, alert and fair-minded to all parties in a dispute, and tough intellectually.

If I can be of any further service to you and your committee, please feel free to call upon me.

Sincerely yours,

MORRIS F. EPPS,
Superintendent of Schools.

HOBBS, DORMAN & CO., INC., PUBLISHERS,
New York, N.Y., October 7, 1970.

HON. RALPH W. YARBOROUGH,
*Chairman, Senate Committee, Labor Relations and Welfare,
Senate Office Building, Washington, D.C.*

DEAR SENATOR YARBOROUGH: It is my understanding that President Nixon has submitted to your and your Committee on Labor Relations and Welfare for

first consideration his nomination of Dr. Sidney P. Marland, Jr. as United States Commissioner of Education.

Such being the case I am writing you in strong support of this nomination. I was privileged to serve on the Board of Education in Darien, Connecticut, during the period 1948-1955, a period almost identical with Mr. Marland's service as Superintendent of Schools in Darien. During that period, too, I served as Chairman of the Darien Board of Education for the years 1950-1952. In brief, over a seven-year stretch I had a continuing association with Mr. Marland, and innumerable occasions to gauge his qualities as a person and as an educator.

I have no hesitation in stating that Sid Marland is absolutely topdrawer. He is one of the ablest administrators that I have ever known. He is an indefatigable worker. He is an idealist with a solid grass-roots sense of the feasible and the practical. He is dedicated to the educational welfare of children and the integrity and honor of the teaching profession (all allegations to the contrary notwithstanding). He gets along well with people—and is invariably respected. He has both brains and courage.

I know I would be speaking for the total membership of the Darien, Conn. Boards of Education under which Mr. Marland served in urging his prompt and wholeheartedly confirmation as United States Commissioner of Education. I simply cannot envision a superior candidate for this important position.

Respectfully yours,

RALF P. HOBBS, *President.*

EVANSVILLE-VANDEBURGH SCHOOL CORP.,
Evansville, Ind., October 7, 1970.

HON. RALPH YARBOROUGH,
*Chairman, Senate Labor and Public Welfare Committee,
New Senate Office Building, Washington, D.C.*

DEAR MR. YARBOROUGH: We would like to suggest that you give serious consideration to holding hearings on the appointment of Dr. Sidney P. Marland, Jr. to the post of U.S. Commissioner of Education.

The Commissioner's post has been vacant since June 10, and we deem that it is urgent that this position be filled as soon as possible. We sincerely hope that you will lend your support to this request.

Sincerely,

WILMER K. BUGHER, *Superintendent.*

[Telegram]

PRINCETON REGIONAL SCHOOLS,
Princeton, N.J., October 8, 1970.

HON. RALPH YARBOROUGH,
*Chairman, Senate Labor and Public Welfare Committee,
New Senate Office Building, Washington, D.C.:*

I urge you to support as soon as possible the appointment of Sidney P. Marland as U.S. Commissioner of Education.

PHILIP EBY MCPHEARSON,
Superintendent of Schools.

260 MADISON AVENUE,
October 7, 1970.

HON. RALPH YARBOROUGH,
*Chairman, Senator Committee on Labor Relations and Welfare, Senate Office
Building, Washington, D.C.*

MY DEAR MR. YARBOROUGH: I was very interested to see President Nixon's nomination of Dr. Sidney P. Marland as Commissioner of Education in the Department of Health, Education and Welfare.

Having known Sid Marland and worked directly with him on a local Connecticut Board of Education for 8 years, I have the highest regard for his competence and his deep-seated belief in public education as one of the cornerstones of our way of life.

I can think of no one who is better equipped for this post than Marland—not only due to his experience which has been considerable, but because as a man he is really a great leader in his field.

He is intelligent, broad-gauged, and completely with the belief and conviction that grade "A" public education has to go for everybody—regardless of shape, size, color, creed, or anything else.

I certainly hope he gets your clearance.

Sincerely yours,

W. T. OKIE.

EAST ORANGE PUBLIC SCHOOLS,
East Orange, N.J., October 9, 1970.

HON. RALPH YARBOROUGH,
Chairman, Senate Committee on Labor Relations and Welfare, New Senate Office Building, Washington, D.C.

DEAR MR. YARBOROUGH: This is to express my support for the appointment of Dr. Sidney P. Marland, Jr., to the position of United States Commissioner of Education.

Sincerely yours,

RUSSELL A. JACKSON, Jr.,
Superintendent of Schools.

POINT PLEASANT BEACH PUBLIC SCHOOLS,
OFFICE OF THE SUPERINTENDENT,
Point Pleasant Beach, N.J., October 12, 1970.

HON. RALPH YARBOROUGH,
Chairman, Senate Labor and Public Welfare Committee, New Senate Office Building, Washington, D.C.

DEAR SIR: I will appreciate very much any actions you might take to expedite the confirming of Dr. Sidney P. Marland, Jr., as Commissioner of Education. As a Superintendent of Schools, I feel badly that the post has been vacant so long. With the education field changing so quickly in the United States, I would urge that we have a new Commissioner as soon as possible.

Thank you very much for your interest in this matter.

Sincerely yours,

MAHLON A. MERK,
Superintendent of Schools.

DEMAREST SCHOOL DISTRICT,
Demarest, N.J., October 14, 1970.

Senator RALPH YARBOROUGH,
Chairman, Senate Labor and Public Welfare Committee, New Senate Office Building, Washington, D.C.

DEAR SIR: I have read of the appointment of Sidney P. Marland, Jr., as U.S. Commissioner of Education and understand that your committee will be holding hearings regarding his confirmation. In view of the fact that education, in general, and particularly the federal programs, have been without leadership in this office since June 10, it is extremely important that these hearings be held without delay. Hopefully, positive action will be taken on this nomination.

I'm certain that you share with me the concern for the field of education, particularly in its role to help lessen the tensions and problems of the day.

Your help in this matter is greatly appreciated.

Sincerely yours,

GEORGE DECAUSEMACKER,
Superintendent of Schools.

CALIFORNIA ASSOCIATION OF SCHOOL ADMINISTRATORS,
Burlingame, Calif., October 13, 1970.

HON. RALPH YARBOROUGH,
Chairman, Senate Labor and Public Welfare Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR YARBOROUGH: Knowing of your concern for education and having heard you express it in Dallas last April, we are confident your leadership will be exerted to assure early confirmation of Dr. Sidney P. Marland, Jr., recently nominated for the high office of U.S. Commissioner of Education. The

interests of education in America suggest early action to assure quality leadership in the commissionership.

Sincerely,

JAMES H. CORSON,
Executive Secretary.

CAPE HENLOPEN SCHOOL DISTRICT,
REHOBOTH JUNIOR HIGH SCHOOL,
Rehoboth Beach, Del., October 13, 1970.

Hon. RALPH YARBOROUGH,
Chairman, Senate Labor and Public Welfare Committee, New Senate Office Building, Washington, D.C.

DEAR SIR: As president of the Delaware Association of School Administrators may I respectfully urge you and your committee to act as quickly as possible on the pressing need to fill the post of U.S. Commissioner of Education. As one of the most important assignments in the country, this vital leadership post should not be allowed to stay vacant any longer.

Sincerely yours,

EDWARD J. HURLEY,
President.

[Telegram]

MEMPHIS CITY SCHOOLS,
Memphis, Tenn., September 29, 1970.

Sen. RALPH W. YARBOROUGH,
Chairman, Senate Labor and Public Welfare Committee, Senate Office Building, Washington, D.C.:

I strongly support the appointment of Dr. Sydney P. Marland, Jr., as Commissioner of Education. I have known and worked with Dr. Marland on urban school matters for a number of years. He is a distinguished scholar, a most capable effective administrator, and in every sense deserving of the high office to which he has been appointed by the President. The Commissioner's post was vacated on June 10. In the interest of the welfare of the country, I urge prompt action of the hearings and your favorable consideration of Dr. Marland's confirmation.

DR. E. C. STIMBERT,
Superintendent.

YALE UNIVERSITY,
INSTITUTE OF SOCIAL SCIENCE,
New Haven, Conn., September 23, 1970.

Hon. RALPH W. YARBOROUGH,
Chairman, Senate Committee on Labor and Public Welfare, Senate Office Building, Washington, D.C.

DEAR SENATOR YARBOROUGH: This letter is in support of the nomination of Sidney Marland for U.S. Commissioner of Education, and an expression of hope that your Committee will help to bring about speedy confirmation.

I was Commissioner of Education 1953-56, and have kept closely associated with the great expansion in Office of Education responsibilities since that time. The need for able leadership under a "confirmed" Commissioner is great.

I have known and worked with Sidney Marland in varied educational activities since he became school superintendent in Darien, Connecticut upon his return from military service in the 1940's. He is an able educator and administrator. His record of vigorous, competent and forward looking educational administration and his educational writings attest to his understanding of problems facing education in the United States and his ability to organize and direct operations which enable progress to be made in moving education ahead.

The personal integrity and vigor which Dr. Marland has exhibited in his career are important assets beyond his educational competence.

I urge that your Committee support the nomination of Dr. Sidney Marland for U.S. Commissioner of Education and assist in speedy confirmation by the U.S. Senate.

Respectfully,

S. M. BROWNELL,
Consultant in Urban Education.

[Telegram]

PITTSBURGH PUBLIC SCHOOLS,
Pittsburgh, Pa., September 26, 1970.

Sen. RALPH YARBOROUGH,
U.S. Senate, Washington, D.C.:

Strongly urge that you support confirmation of Dr. Sidney P. Marland, Jr., as Commissioner of Education. His urban and suburban school experience make him ideally suited for that position.

LOUIS J. KISHKUNAS,
Superintendent.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., September 24, 1970.

Hon. RALPH W. YARBOROUGH,
Chairman, Senate Committee on Labor and Public Welfare,
Old Senate Building, Washington, D.C.

DEAR SENATOR YARBOROUGH: As a former United States Commissioner of Education in the Eisenhower Administration, I was particularly delighted with the news of President Nixon's nomination of Dr. Sidney P. Marland, Jr. to become United States Commissioner of Education.

Dr. Marland's distinguished career in educational administration eminently qualifies him for national leadership as Commissioner. Moreover, his connections with many important institutions of higher education and his record of public service in a broad spectrum of significant organizations and causes add luster to the nomination. I urge early confirmation.

Sincerely,

LAWRENCE G. DERTHICK, SR.

3 EAST 54TH STREET,
New York, N.Y., September 23, 1970.

Senator RALPH W. YARBOROUGH,
Old Senate Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I was delighted to hear that the President had nominated Sidney Marland as United States Commissioner of Education. I have known him for twenty years and have done a good deal of work with him in that time. He has good judgment and has shown an ability to innovate as well as to manage. As is true, I suppose, of any man who has been a leader, he has probably built up a group of critics as well as a group of admirers. I enlist myself among the latter, and I therefore hope you will give speedy consent to the President's excellent nomination.

From what I can hear of the affairs of the Office of Education from this distance, it would be very desirable if Mr. Marland could get on the job just as soon as possible and I therefore hope that you and your colleagues will be able to consider his appointment at the earliest possible date.

With best personal regards,

Sincerely yours,

FRANCIS KEPPEL.

[Telegrams]

DALLAS INDEPENDENT SCHOOL DISTRICT,
Dallas, Tex., September 35, 1970.

Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

Confirmation of Dr. Sidney Marland, Jr., as Commissioner of Education is strongly urged. Dr. Marland is one of the Nation's most able educators and is very much aware of the critical problems facing our big cities in the decade of the 1970's. During this crucial time you could serve public education in these United States in no better manner than to insure Dr. Marland's appointment.

NOLAN ESTES,
General Superintendent.
B. M. BERKELEY,
President, Board of Education.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Evanston, Ill., September 22, 1970.

Hon. RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

The National School Boards Association is extremely pleased that you have taken action today to fill the position of U.S. Commissioner of Education.

The Office of U.S. Commissioner of Education is an extremely important one which should not remain vacant. The problems confronting education today are so diverse and complicated that if solutions are to be found we need national leadership—leadership to work on problems of school desegregation, the education of the disadvantaged, inadequate financial support of education, and many others. We applaud your action in providing the education community with a leader of Dr. Sidney Marland's caliber and we urge the U.S. Senate to take prompt action on his confirmation.

Dr. GEORGE E. EWAN, *President.*

COMMUNITY COLLEGE OF BEAVER COUNTY,
Freedom, Pa., September 24, 1970.

Senator RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare,
Washington, D.C.:

Your endorsement of Dr. Marland as Commissioner of Education is urged. His credentials certainly dictate that he is the logical successor to Dr. Allen. Your support on behalf of Dr. Marland will be appreciated.

Thank you.

Dr. JOHN B. HIRT, *President.*

PENNSYLVANIA COMMUNITY COLLEGE PRESIDENT'S COUNCIL,
Freedom, Pa., September 24, 1970.

Senator RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare,
Washington, D.C.:

The Pennsylvania Community College President's Council strongly urges your support of Dr. Sidney P. Marland, Jr., as the next Commissioner of Education. The council unanimously feels Dr. Marland's background and experience are ideally suited for the position.

Thank you.

Dr. JOHN B. HIRT, *Chairman.*

UNIVERSITY OF WISCONSIN,
Madison, Wis., September 24, 1970.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Those of us who know Sidney Marland and his devotion to education—particularly the education of the disadvantaged—welcome his nomination. He knows the problems of education and is the sort of man who can appreciate the significance the Federal Government can play in broadening educational opportunities and improving educational services.

Copies of this telegram sent to members of Senate Committee on Labor and Public Welfare.

FRED HARVEY HARRINGTON, *President.*

ASSOCIATION OF AMERICAN UNIVERSITIES,
Cambridge, Mass., September 23, 1970.

Hon. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare,
New Senate Office Building,
Washington, D.C.

I am authorized by the executive committee of the Association of American Universities, a group of 46 major public and private institutions in all parts of

the Nation to express the association's support of Sidney Marland as Secretary Richardson's choice as Commissioner of Education. It is important that the office be filled quickly and we trust that the Senate will ratify the nomination soon.

NATHAN M. PUSEY, *President.*

PHILADELPHIA PUBLIC SCHOOLS,
Philadelphia, Pa., September 23, 1970.

HON. RALPH YARBOROUGH,
*Senate of the United States,
Old Senate Office Building, Washington, D.C.*

Urge your support of Sidney P. Marland for the position of U.S. Commissioner of Education. Despite any opposition that special interest groups may have, he is a person eminently qualified to hold the position and provide the necessary leadership at this time in the history of American education, especially urban education. I am sure he will exercise the duties of the Office without prejudice or bias concerning any interest group public or private.

Sincerely yours,

MARK R. SHEDD, *Superintendent.*

COUNCIL OF THE GREAT CITY SCHOOLS,
Washington, D.C., September 23, 1970.

HON. RALPH W. YARBOROUGH,
U.S. Senate, Washington, D.C.:

Boards of education and superintendents of schools in 21 great city school systems strongly endorse President's nomination of Dr. Sidney Marland, Jr., as U.S. Commissioner of Education. His understanding of problems of urban education urgently needed in office of education. His demonstrated leadership urgently needed in American education community. We urge your prompt and favorable consideration of this nomination.

DR. JOSEPH MANCH, *President.*

HARRISBURG AREA COMMUNITY COLLEGE,
Harrisburg, Pa., September 24, 1970.

Senator RALPH W. YARBOROUGH,
Senate Office Building, Washington, D.C.:

I strongly support the nomination of Dr. Sidney Marland for the position of Commissioner of education. Dr. Marland is a talented and dedicated educational leader.

CLYDE E. BLOCHE, *President.*

COMMUNITY COLLEGE OF ALLEGHENY COUNTY,
Pittsburgh, Pa., September 23, 1970.

Senator RALPH W. YARBOROUGH,
Washington, D.C.:

Dr. Sidney Marland is an aggressive leader in the fight for quality education for everyone in the United States. He assisted in every way he could in the development of this people's college and I warmly commend his confirmation to your committee.

KERMIT C. MORRISSEY, *President.*

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C. September 24, 1970.

HON. RALPH YARBOROUGH,
*Chairman, Committee on Labor and Public Welfare, New Senate Office Building,
Washington, D.C.*

DEAR SENATOR YARBOROUGH I am writing to advise you that the National Education Association, representing more than one million professional educators,

supports the President's nomination of Dr. Sidney P. Marland for the post of U. S. Commissioner of Education.

We believe that Dr. Marland's experience and philosophy qualify him highly for this important post. He will be an effective and knowledgeable spokesman within the executive branch for the pressing needs and problems of education.

For your information and review, I am enclosing a copy of the NEA's statement on Dr. Marland.

We urge your prompt favorable consideration of this nomination so that Dr. Marland can take up the crucial duties of the position which has already been too long vacant.

Sincerely,

JOHN M. LUMLEY,
*Assistant Executive Secretary,
Government Relations and Citizenship.*

NATIONAL EDUCATION ASSOCIATION,
PRESS, RADIO, AND TELEVISION RELATIONS,
Washington, D.C.

NEA EXECUTIVE COMMITTEE ENDORSES DR. MARLAND FOR U.S.
COMMISSIONER OF EDUCATION POST

WASHINGTON, D.C., Sept. 23.—The Executive Committee of the National Education Association, which represents the vast majority of the nation's teachers, today unanimously endorsed the nomination of Sidney P. Marland Jr. as new U.S. Commissioner of Education.

After the committee met with Health, Education, and Welfare Secretary Elliot L. Richardson and Dr. Marland for several hours at NEA Headquarters this morning, Mrs. Helen Bain, NEA president, stated that the association "found Dr. Marland's philosophy and plans for action consistent with NEA goals."

The five NEA priorities as established by the association's Representative Assembly are: bargaining rights for teachers, broad federal financial support for education, student and community involvement, the right of teachers to control the teaching profession (professional autonomy), and human relations.

Marland's nomination was announced yesterday by President Nixon. If confirmed by the Senate, he will take the Office of Education post vacated about three months ago on the resignation of James E. Allen Jr. Another post that Allen held concurrently—HEW assistant secretary for education—remains vacant.

STATEMENT BY HELEN P. BAIN, PRESIDENT OF THE NATIONAL
EDUCATION ASSOCIATION

The Executive Committee of the National Education Association, which represents the vast majority of the nation's teachers, conferred this morning for several hours at NEA headquarters with HEW Secretary Elliot L. Richardson and Dr. Sidney P. Marland, Jr. over the latter's appointment by President Nixon to the post of U.S. Commissioner of Education.

Following an extensive discussion with Mr. Richardson and Dr. Marland over five major priorities of the NEA, the Executive Committee found Dr. Marland's philosophy and plans for action consistent with NEA goals and therefore unanimously endorsed his nomination.

The five NEA priorities as established by the NEA's Representative Assembly, the Association's policy-making body, are: bargaining rights for teachers, broad federal financial support for education, student and community involvement, the right of teachers to control the teaching profession (professional autonomy), and human relations.

AMERICAN ASSOCIATION OF COLLEGES FOR TEACHER EDUCATION,
Washington, D.C., September 24, 1970.

Senator RALPH YARBOROUGH,
*Chairman, Senate Committee on Labor and Public Welfare,
Old Senate Office Building, Washington, D.C.*

DEAR SENATOR YARBOROUGH: This letter is written to add my strong endorsement to those of many other educators of the nation on behalf of the nomina-

tion of Dr. Sidney P. Marland Jr. as United States Commissioner of Education. So that you will know how deeply I feel about the importance of this appointment, I am enclosing a copy of a news release which was issued in Washington yesterday and which states clearly my beliefs about Dr. Marland's excellent qualifications for educational leadership on the national level.

If I can be helpful in any way, including an appearance as a witness before the Senate Committee on Labor and Public Welfare, please let me know, I sincerely believe that the confirmation of this nomination is most important to American education.

Sincerely,

PAUL H. MASONER.

Enclosure.

PRESIDENT OF AACTE ENDORSES MARLAND APPOINTMENT

Dr. Paul H. Masoner, President of the American Association of Colleges for Teacher Education, an organization of 846 universities and colleges which prepare annually approximately 95 per cent of all professional personnel for the schools of the nation, today strongly endorsed President Nixon's nomination of Dr. Sidney Marland as U.S. Commissioner of Education. Dr. Masoner, who worked closely with Dr. Marland for a number of years on cooperative educational programs, made the following statement on the appointment:

The appointment of Dr. Sidney Marland to the position of U.S. Commissioner of Education brings to the Office of Education leadership of the highest quality.

Dr. Marland, in his long and successful career as an educator, has clearly demonstrated his excellence as an educational leader. As a chief school administrator he has pioneered in significant innovations and improvements in school programs and practices. His accomplishments as Superintendent of Schools in a major urban career, Pittsburgh, and more recently as President of the Institute for Educational Development in New York clearly show his concern for and knowledge of the problems of minority groups and the difficulties of inner city education—both critical to the role of the federal government in education.

As one who has had the opportunity to observe very closely the educational efforts and achievements of the new Commissioner, I have every confidence in his ability to give new and effective leadership to education on the national level. The American Association of Colleges for Teacher Education looks forward to Dr. Marland's new role and pledges its complete cooperation as he undertakes this major responsibility on behalf of the children and youth of America.

Dr. Masoner, currently President of the American Association of Colleges for Teacher Education, with offices at the National Center for Higher Education in Washington, is also Dean of the School of Education at the University of Pittsburgh where he and Dr. Marland worked on programs involving the Pittsburgh Schools and the University. Dr. Masoner is also a member of two national commissions whose efforts are concerned with federal level thrusts in education—the National Advisory Council on Education Professions Development and the National Reading Council.

THE UNIVERSITY OF TEXAS AT EL PASO,
September 25, 1970.

Senator RALPH YARBOROUGH,
*Chairman, Labor and Public Welfare Committee, Senate of the United States,
Washington, D.C.*

DEAR SENATOR YARBOROUGH: For most of the eight years when I served as Superintendent of the Houston Independent School District, it was my privilege to work closely with Dr. Sidney Marland, then Superintendent of the Pittsburgh Public Schools.

Dr. Marland is a perceptive, capable, earnest school administrator. He manifests a keen sensitivity to the problems and potentialities of minority and poverty-stricken children and youth. As President of the Research Council of the Great Cities Program for School Improvement, Dr. Marland sponsored valuable programs to open new opportunities to deprived children and youth, to improve competencies of "inner city" teachers, and to solve big city problems.

I commend Dr. Marland to your consideration for approval as U.S. Commissioner of Education.

Once again, thanks for your magnificent leadership in improvement of education.

Yours truly,

JOHN W. MCFARLAND,
Dean, School of Education.

6812 SIXTH STREET, N.W.,
Washington, D.C., September 23, 1970.

HON. RALPH YARBOROUGH,
Chairman, Senate Committee on Labor and Public Welfare,
Old Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: As one who devoted the past decade of my life to the cause of improved education for the American people, I write to express my strong support for the nomination of Dr. Sidney Marland as United States Commissioner of Education.

During the years I served in the Office of Education and at HEW, I benefited frequently from the incisive thought and forthright leadership which Dr. Marland gave to various programs then under consideration. Of all the educators who were called upon for advice and counsel, one could consistently expect Dr. Marland to be creative, frank and selfless. What he said and what he did, we knew, was always germane to the most pressing problems of our time and truly original and courageous in its approach.

Naturally, therefore, I hope that you and your distinguished Committee will give prompt and favorable approval to this excellent nomination. At this critical time in the life of the U.S. Office of Education, any delay in approving Dr. Marland's appointment would be a tragic loss to the young people of this country who are depending upon effective program administration for the realization of so many of their aspirations in education.

Sincerely yours,

DR. SAMUEL HALPERIN.

AMERICAN EDUCATIONAL RESEARCH ASSOCIATION,
Washington, D.C., September 23, 1970.

HON. RALPH W. YARBOROUGH,
Old Senate Office Building,
Washington, D.C.

DEAR MR. YARBOROUGH: The American Educational Research Association as an association does not endorse or otherwise comment upon appointments for positions in federal offices. Nevertheless, I do wish to give my personal endorsement to Dr. Sidney P. Marland who has been nominated for U.S. Commissioner of Education.

I do this because I have known Dr. Marland professionally for many years. I was very impressed with the way he used research in administering the Pittsburgh Public Schools. One of his first tasks upon assuming that office was to reconstitute the Research Office and to bring the Director of Research directly into the policy-making committees. We need more men like Dr. Marland in key administrative positions who will be guided by new evidence rather than by tradition.

I am confident that if Dr. Marland's nomination is approved by the Senate that we will have as Commissioner a man who will use the resources he has to foster knowledge about education and its application to present day educational problems.

Sincerely yours,

RICHARD A. DERSHIMER,
Executive Officer.

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS,
Washington, D.C., September 22, 1970.

HON. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: We have today wired President Nixon as follows: "The American Association of School Administrators is indeed pleased with your appointment of Dr. Sidney P. Marland, Jr. as United States Commissioner

of Education. We believe that Dr. Marland will bring to this assignment a unique style of leadership that will launch the Office of Education into a new and exciting era of progress and accomplishment. Familiar with the smell of chalk dust and buttressed by the knowledge and experience he gained while providing exemplary leadership to school districts, Dr. Marland is admirably equipped to be the nation's chief educational spokesman. We pledge our support and cooperation to the new United States Commissioner of Education and the important office which he will head.

We urge strongly that prompt action be taken by the Senate Committee on Labor and Public Welfare on the confirmation of Dr. Marland's appointment. The office of United States Commissioner has now been vacant since June 10. Simple logic and the genuine concern which we share for the welfare of the schools of this country would dictate that this condition should not persist. We, therefore, sincerely solicit your cooperation as chairman of this Committee in securing prompt action on Dr. Marland's appointment."

Sincerely,

FOREST E. CONNER,
Executive Secretary.

AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES,
Washington, D.C., September 22, 1970.

HON. RALPH W. YARBOROUGH,
*U.S. Senate, Old Senate Office Building,
Washington, D.C.*

DEAR SENATOR YARBOROUGH: Enclosed is a copy of a telegram which the Association sent today to President Nixon in support of his nomination of Sidney Marland to be Commissioner of Education. We hope the Committee will take prompt action.

Sincerely,

ALLAN W. OSTAR,
Executive Director.

Enclosure.

AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES,
September 22, 1970.

RICHARD M. NIXON,
*The White House,
Washington, D.C.*

On behalf of the American Association of State Colleges and Universities, an organization of 275 institutions in 46 States, the District of Columbia, Guam, and the Virgin Islands which enroll 25 percent of all college students, we want to commend you on your nomination of Dr. Sidney Marland to be Commissioner of Education. You may be assured that Dr. Marland will have our fullest cooperation and support in his efforts to deal with the critical educational problems facing our Nation.

HILTON C. BULEY,
President.

ALLAN W. OSCAR,
Executive Director.

HUMAN RIGHTS COMMISSION,
Seattle, Wash., August 17, 1970.

HON. RICHARD M. NIXON,
White House, Washington, D.C.

DEAR MR. PRESIDENT; GREETINGS: The Seattle Human Rights Commission, meeting in public session on August 4, 1970, in the City of Seattle, unanimously resolved to assume and announce a position of full support of the action taken by the International Association of Official Human Rights Agencies, in opposition to the appointment of Mrs. Irene Walczak to the Equal Employment Opportunity Commission; and are concurrent with the feeling that Mrs. Walczak lacks the awareness and sensitivity prerequisite to equitably and impactfully ensure affirmative action and committed service.

Respectfully submitted to your attention.

Very truly yours,

ELLIOTT N. COUDEN, *Chairman.*

KING COUNTY LABOR COUNCIL OF WASHINGTON, AFL-CIO,
Seattle, Wash., October 16, 1970.

HON. HENRY M. JACKSON,
U.S. Senator, Washington, D.C.

DEAR SENATOR JACKSON: A very important matter has been brought to our attention from the National AFL-CIO in reference to President Nixon's appointment of Sidney P. Marland, Jr. as Commissioner of Education.

Until we had gotten more information and done some research we did not feel we should take a position on the appointment of Dr. Marland as the Commissioner of Education. However, in closely looking at his previous record in education we feel his appointment is a direct slam at the National Education Association and more important the American Federation of Teachers Union. In the states of Connecticut and Illinois and also in the city of Pittsburgh Dr. Marland took an uncompromising position against unions for teachers. He said, "We do not recognize neither the NEA nor a union as such in Pittsburgh and there will be no bargaining and no negotiating" as far as he is concerned. He also appeared before Congress and supported the enactment of federal anti strike legislation for teachers. He is unutterably opposed to an old established institution in this country—the right for people to bargain through an organization of their choice.

The foregoing are some of the reasons why we feel very strongly that Dr. Marland's appointment as Commissioner of Education should not be confirmed by the United States Senate. The King County Labor Council in Seattle, Washington, unanimously supports the position of the National AFL-CIO in opposing President Nixon's choice for this office.

Sincerely,

JAMES K. BENDER, *Executive Secretary.*

OMAHA, NEB., *September 27, 1970.*

ROMAN L. HRUSKA,
*U.S. Senate,
 Washington, D.C.*

DEAR SENATOR HRUSKA: I am unhappy with the recent appointment of Dr. Sidney P. Marland as President Nixon's choice for Commissioner of Education in HEW. Dr. Marland is on record as being opposed to collective bargaining for teachers and other public employees. I am a teacher and feel all workers have the right to bargain in groups as a natural right. I realize there are problems in this area which touch on the common good. People fear strikes, etc. in this area which touch on the common good, but I don't see how strikes in this area hurt the common good more than the recent teamster strike and the pending rail strike. However, I don't like to talk strikes, etc. as if I favor these over serious bargaining. Strikes are the last measure when all else has failed and should only be taken after very serious consideration. But I don't think either it or collective bargaining should be taken from any group of workers, teachers and other public workers included.

Therefore I urge you not to confirm Dr. Marland as Commissioner.

Yours truly,

EUGENE T. LILLA.

LOUISVILLE AND JEFFERSON COUNTY FEDERATION OF TEACHERS,
Louisville, Ky., October 6, 1970.

Senator JOHN SHERMAN COOPER,
*U.S. Senator,
 Washington, D.C.*

DEAR SENATOR COOPER: On behalf of the Louisville and Jefferson County Federation of Teachers, I strongly encourage you to vote against the President's nomination of Sidney P. Marland, Jr., of New York, as Commissioner of Education.

As Superintendent of Public Schools in Pittsburgh, Mr. Marland opposed collective bargaining for teachers under the American Federation of Teachers.

We feel such a position indicates a negative, even a destructive, attitude on the part of Mr. Marland toward teachers and toward education.

Again, we urge you to vote against this appointment.

Yours truly,

WILLIAM J. WALSH, *Legislative Chairman.*

WOODBINE ELEMENTARY SCHOOL,
Woodbine, N.J., October 12, 1970.

HON. ELLIOT L. RICHARDSON,
Department of Health, Education, and Welfare,
Washington, D.C.

DEAR SECRETARY RICHARDSON: As a member of the education profession, I wish to express my satisfaction with the naming of Sidney P. Marland, Jr. to be Commissioner of Education. It is indeed time that a man of his caliber, from the ranks of public education, has been appointed to oversee public education in the United States.

By the same measure, it would be beyond belief if the A.F.L., C.I.O., and A.F.T. should be able to defeat such a man because he believes education is too important to be interrupted by strikes.

Very truly yours,

LAWRENCE J. DEFOE, *Administrative principal.*

Overseas Education Association, Inc.

6 Frankfurt 50, Raimundstrasse 33, Germany Cable address: OEAINC Telephone: 525155 or 525156



PRESIDENT:

Cecil Driver
Vandenberg Elementary School
APO New York 09633
Home Phone Number:
Wiesbaden Cliv. 79364

Wiesbaden, Germany
November 25, 1970

VICE PRESIDENT (PACIFIC):

Jack Rollins
Zama High School
HQ USAF
APO San Francisco 96343
Home Phone Number:
Zama-Machi. 0462-51-5108

Honorable Claiborne Pell
Senate Office Building
Washington, D.C.

Rec'd DEC 3 1970

Ans'd.....

Dear Senator Pell:

The Overseas Education Association urges you to vote for the confirmation of Dr. Sidney Marland as U.S. Commissioner of Education.

Best regards.

SECRETARY:

Miss Mary Boerschinger
Nuernberg High School
APO New York 09696

TREASURER:

Mrs. Juanita Nielsen
Mannheim Elementary School
APO New York 09086

OEA OFFICE:

6 Frankfurt 50
Raimundstrasse 33
Germany

ASSOCIATE EXECUTIVE SECRETARY,

PACIFIC AREA:
Lyle Mortenson
Box 257,
V. L. Grissom Elementary School
APO San Francisco 96274
Home Phone Number:
Clark AFB: 28464

LEGAL COUNSEL:

Earl C. Berger
38 Hamilton Court
Folsom, California 94301

NEA DIRECTOR:

Cecil Driver
Vandenberg Elementary School
APO New York 09633

MEMBERSHIP CHAIRMAN:

Christine Mitchell
Frankfurt Elementary
School #1
APO New York 09757
Home Phone Number:
Frankfurt Cliv. 512898

Sincerely yours,

Cecil Driver
President

CECIL E. DRIVER
VANDENBERG ELEMENTARY SCHOOL
APO N. Y. 09633

Wyandotte County Federation of Teachers

THE AMERICAN FEDERATION OF TEACHERS
LOCAL NUMBER 800
AFFILIATED WITH A.F.L.-C.I.O.

Kansas City, Kansas
November 29, 1970

Senator Claiborne Pell
Senate Office Building
Washington D. C.

Sir:

President Nixon recently nominated Sidney P. Marland Jr. as U. S. Commissioner of Education.

Mr. Marland is against the right of teachers to join together in, or bargain collectively through, organizations of their own choosing. His nomination is an affront to the entire teaching profession and a threat to the future of Public Education.

We believe the confirmation of Mr. Marland as Commissioner of Education by the U. S. Senate would be a strike against education. Therefore, we urge you to vote against his confirmation.

Sincerely yours,

Maxine M. King

Maxine M. King
President
Wyandotte County Federation of Teachers

MMK/dm

[Telegram]

NATIONAL SCHOOL BOARDS ASSOCIATION,
Evanston, Ill., September 22, 1970.

HON. CLAIBORNE PELL,
Washington, D.C.

The National School Boards Association is extremely pleased that you have taken action today to fill the position of U.S. Commissioner of Education.

The office of U.S. Commissioner of Education is an extremely important one which should not remain vacant. The problems confronting education today are so diverse and complicated that if solutions are to be found we need national leadership—leadership to work on problems of school desegregation the education of the disadvantaged, inadequate financial support of education, and many others. We applaud your action in providing the education community with a leader of Dr. Sidney Marland's caliber and we urge the U.S. Senate to take prompt action on his confirmation.

DR. GEORGE E. EWAN,
President.

AMERICAN ASSOCIATION OF STATE COLLEGES AND UNIVERSITIES,
September 22, 1970.

HON. CLAIBORNE PELL,
U.S. Senate,
Old Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: Enclosed is a copy of a telegram which the Association sent today to President Nixon in support of his nomination of Sidney Marland to be Commissioner of Education. We hope the Committee will take prompt action.

Sincerely,

ALLAN W. OSTAR, Executive Director.

[Telegrams]

SEPTEMBER 22, 1970.

RICHARD M. NIXON,
The White House,
Washington, D.C.

On behalf of the American Association of State Colleges and Universities, an organization of 275 institutions in 46 States, the District of Columbia, Guam, and the Virgin Islands which enroll 25 percent of all college students, we want to commend you on your nomination of Dr. Sidney Marland to be Commissioner of Education. You may be assured that Dr. Marland will have our fullest cooperation and support in his efforts to deal with the critical educational problems facing our Nation.

HILTON C. BULEY, President,
American Association of State Colleges and Universities,
and President of Southern Connecticut State College.

ALLAN W. OSTAR, Executive Director,
American Association of State Colleges and Universities.

UNIVERSITY OF WISCONSIN,
Madison, Wis., September 24, 1970.

CLAIBORNE PELL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Those of us who know Sidney Marland and his devotion to education—particularly the education of the disadvantaged—welcome his nomination.

He knows the problems of education and is the sort of man who can appreciate the significance the Federal Government can play in broadening educational opportunities and improving educational services.

Copies of this telegram sent to members of Senate Committee on Labor and Public Welfare.

FRED HARVEY HARRINGTON, President.

WASHINGTON, D.C., *September 24, 1970.*

HON. CLAIBORNE PELL,
*U.S. Senate,
Washington, D.C.*

Boards of education and superintendents of schools in 21 great city school systems strongly endorse President's nomination of Dr. Sidney Marland, Jr., as U.S. Commissioner of Education. His understanding of problems of urban education urgently needed in Office of Education. His demonstrated leadership urgently needed in American education community. We urge your prompt and favorable consideration of this nomination.

DR. JOSEPH MANCH, *President, Council of the Great City Schools,
Superintendent, Buffalo Public Schools.*

WASHINGTON, D.C., *September 23, 1970.*

HON. CLAIBORNE PELL,
*U.S. Senate,
Washington, D.C.*

On the basis of Dr. Sidney Marland's experience and leadership, the higher education community supports his nomination to be Commissioner of Education. We hope and respectfully urge that this nomination receive speedy confirmation.

LOGAN WILSON,
President, American Council on Education.

CAMBRIDGE, MASS., *September 24, 1970.*

HON. CLAIBORNE PELL,
*Old Senate Office Building,
Washington, D.C.:*

I am authorized by the executive committee of the Association of American Universities, a group of 46 major public and private institutions in all parts of the Nation to express the association's support of Sidney Marland as Secretary Richardson's choice as Commissioner of Education. It is important that the office be filled quickly and we trust that the Senate will ratify the nomination soon.

NATHAN M. PUSEY,
President, Association of American Universities, President, Harvard University.

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS,
September 22, 1970.

HON. CLAIBORNE PELL,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR PELL: We have today wired President Nixon as follows:

"The American Association of School Administrators is indeed pleased with your appointment of Dr. Sidney P. Marland, Jr. as United States Commissioner of Education. We believe that Dr. Marland will bring to this assignment a unique style of leadership that will launch the Office of Education into a new and exciting era of progress and accomplishment. Familiar with the smell of chalk dust and buttressed by the knowledge and experience he gained while providing exemplary leadership to school districts, Dr. Marland is admirably equipped to be the nation's chief educational spokesman. We pledge our support and cooperation to the new United States Commissioner of Education and the important office which he will head."

We urge strongly that prompt action be taken by the Senate Committee on Labor and Public Welfare on the confirmation of Dr. Marland's appointment. The office of United States Commissioner has now been vacant since June 10. Simple logic and the genuine concern which we share for the welfare of the schools of this country would dictate that this condition should not persist. We, therefore, sincerely solicit your cooperation as a member of this Committee in securing prompt action on Dr. Marland's appointment.

Sincerely,

FORREST E. CONNER,
Executive Secretary.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., September 24, 1970.

HON. CLAIBORNE PELL,
Senate Committee on Labor and Public Welfare,
Old Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: As a former United States Commissioner of Education in the Eisenhower Administration, I was particularly delighted with the news of President Nixon's nomination of Dr. Sidney P. Marland, Jr., to become United States Commissioner of Education.

Dr. Marland's distinguished career in educational administration eminently qualifies him for national leadership as Commissioner. Moreover, his connections with many important institutions of higher education and his record of public service in a broad spectrum of significant organizations and causes add luster to the nomination. I urge early confirmation.

Sincerely,

LAWRENCE G. DERTHICK, Sr.

3 EAST 54TH STREET,
NEW YORK, N.Y., September 23, 1970.

Senator CLAIBORNE PELL,
Old Senate Building,
Washington, D.C.

DEAR SENATOR PELL: I was delighted to hear that the President had nominated Sidney Marland as United States Commissioner of Education. I have known him for twenty years and have done a good deal of work with him in that time. He has good judgment and has shown an ability to innovate as well as to manage. As is true, I suppose, of any man who has been a leader, he has probably built up a group of critics as well as a group of admirers. I enlist myself among the latter, and I therefore hope you will give speedy consent to the President's excellent nomination.

From what I can hear of the affairs of the Office of Education from this distance, it would be very desirable if Mr. Marland could get on the job just as soon as possible, and I therefore hope that you and your colleagues will be able to consider his appointment at the earliest possible date.

With best personal regards,
Sincerely yours,

FRANCIS KEPPEL.

YALE UNIVERSITY,
New Haven, Conn., September 23, 1970.

HON. CLAIBORNE PELL,
Member, Senate Committee on Labor and Public Welfare,
Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: This letter is in support of the nomination of Sidney Marland for U.S. Commissioner of Education, and an expression of hope that your Committee will help to bring about speedy confirmation.

I was Commissioner of Education 1953-56, and have kept closely associated with the great expansion in Office of Education responsibilities since that time. The need for able leadership under a "confirmed" Commissioner is great.

I have known and worked with Sidney Marland in varied educational activities since he became school superintendent in Darien, Connecticut upon his return from military service in the 1940's. He is an able educator and administrator. His record of vigorous, competent and forward looking educational administration and his educational writings attest to his understanding of problems facing education in the United States and his ability to organize and direct operations which enable progress to be made in moving education ahead.

The personal integrity and vigor which Dr. Marland has exhibited in his career are important assets beyond his educational competence.

I urge that your Committee support the nomination of Dr. Sidney Marland for U.S. Commissioner of Education and assist in speedy confirmation by the U.S. Senate.

Respectfully,

S. M. BROWNELL,
Consultant in Urban Education.

AMERICAN ASSOCIATION OF COLLEGES FOR TEACHER EDUCATION,
Washington, D.C., September 24, 1970.

Senator CLAIBORNE PELL,
Old Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: This letter is written to convey my strong endorsement on behalf of the nomination of Dr. Sidney P. Marland, Jr., as United States Commissioner of Education. So you will know how strongly I feel about the importance of this appointment, I am enclosing a copy of a news release which was issued in Washington yesterday and which states clearly my beliefs about Dr. Marland's excellent qualifications for educational leadership on the national level.

I sincerely believe that the confirmation of this nomination is most important to American education.

Sincerely,

PAUL H. MASONER.

PRESIDENT OF AACTE ENDORSES MARLAND APPOINTMENT

Dr. Paul H. Masoner, President of the American Association of Colleges for Teacher Education, an organization of 846 universities and colleges which prepare annually approximately 95 per cent of all professional personnel for the schools of the nation, today strongly endorsed President Nixon's nomination of Dr. Sidney Marland as U.S. Commissioner of Education. Dr. Masoner, who worked closely with Dr. Marland for a number of years on cooperative educational programs, made the following statement on the appointment:

The appointment of Dr. Sidney Marland to the position of U. S. Commissioner of Education brings to the Office of Education leadership of the highest quality.

Dr. Marland, in his long and successful career as an educator, has clearly demonstrated his excellence as an educational leader. As a chief school administrator he has pioneered in significant innovations and improvements in school programs and practices. His accomplishments as Superintendent of Schools in a major urban center, Pittsburgh, and more recently as President of the Institute for Educational Development in New York clearly show his concern for and knowledge of the problems of minority groups and the difficulties of inner city education—both critical to the role of the federal government in education.

As one who has had the opportunity to observe very closely the educational efforts and achievements of the new Commissioner, I have every confidence in his ability to give new and effective leadership to education on the national level. The American Association of Colleges for Teacher Education looks forward to Dr. Marland's new role and pledges its complete cooperation as he undertakes this major responsibility on behalf of the children and youth of America.

Dr. Masoner, currently President of the American Association of Colleges for Teacher Education, with offices at the National Center for Higher Education in Washington, is also Dean of the School of Education at the University of Pittsburgh where he and Dr. Marland worked on programs involving the Pittsburgh Schools and the University. Dr. Masoner is also a member of two national commissions whose efforts are concerned with federal level thrusts in education—the National Advisory Council on Education Professions Development and the National Reading Council.

AMERICAN FEDERATION OF LABOR AND
 CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., September 24, 1970.

HON. CLAIBORNE PELL,
*U.S. Senate,
 Washington, D.C.*

DEAR SENATOR: I believe you will be interested in the enclosed statement by President Meany on the nomination of Sidney P. Marland, Jr., to be United States Commissioner of Education. The statement clearly speaks for itself.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

NEWS FROM THE AFL-CIO, DEPARTMENT OF PUBLIC RELATIONS

AFL-CIO President George Meany today issued the following statement:

It is unfortunate that President Nixon has nominated Sidney P. Marland, Jr. as United States Commissioner of Education. We do not consider him fit to fill that position. His nomination is both an affront to the entire teaching profession and a threat to the future of public education.

Marland has been closely associated with the business community and throughout his entire professional career he has been an outspoken enemy of the right of teachers to join together in organizations of their own choosing.

In Connecticut and Illinois, as well as in Pittsburgh, Dr. Marland took an uncompromising position against unions for teachers. With blunt impartiality, Marland opposed both the American Federation of Teachers and the National Education Association, saying, "In Pittsburgh, we have accepted neither the NEA nor the Union as such. There is no bargaining and no negotiating." As recently as April of this year, Dr. Marland urged Congress to enact federal anti-strike legislation for teachers.

Even more alarming than Dr. Marland's opposition to the rights of teachers to bargain through the organization of their choice is his close relationship to industrial leaders who are greedy for a share of the education dollar. As president of the Institute for Educational Development, Marland has worked to "close the circle between education, industry and government," even suggesting to Congress that tax incentives be devised to further this goal.

We intend to fight this nomination vigorously when it comes before the Senate for confirmation.

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., September 24, 1970.

HON. CLAIBORNE PELL,
*Committee on Labor & Public Welfare,
New Senate Office Building, Washington, D.C.*

DEAR SENATOR PELL: I am writing to advise you that the National Education Association, representing more than one million professional educators, supports the President's nomination of Dr. Sidney P. Marland for the post of U.S. Commissioner of Education.

We believe that Dr. Marland's experience and philosophy qualify him highly for this important post. He will be an effective and knowledgeable spokesman within the executive branch for the pressing needs and problems of education.

For your information and review, I am enclosing a copy of the NEA's statement on Dr. Marland.

We urge your prompt favorable consideration of this nomination so that Dr. Marland can take up the crucial duties of the position which has already been too long vacant.

Sincerely,

JOHN M. LUMLEY,
Assistant Executive Secretary, Government Relations and Citizenship.

NEA EXECUTIVE COMMITTEE ENDORSES DR. MARLAND FOR U.S. COMMISSIONER OF EDUCATION POST

WASHINGTON, D.C., September 23—The Executive Committee of the National Education Association, which represents the vast majority of the nation's teachers, today unanimously endorsed the nomination of Sidney P. Marland Jr. as new U.S. Commissioner of Education.

After the committee met with Health, Education, and Welfare Secretary Elliot L. Richardson and Dr. Marland for several hours at NEA Headquarters this morning, Mrs. Helen Bain, NEA president, stated that the association "found Dr. Marland's philosophy and plans for action consistent with NEA goals."

The five NEA priorities as established by the association's Representative Assembly are: bargaining rights for teachers, broad federal financial support for education, student and community involvement, the right of teachers to control the teaching profession (professional autonomy), and human relations.

Marland's nomination was announced yesterday by President Nixon. If confirmed by the Senate, he will take the Office of Education post vacated about three months ago on the resignation of James E. Allen Jr. Another post that

Allen held concurrently—HEW assistant secretary for education—remains vacant.

STATEMENT BY HELEN P. BAIN, PRESIDENT OF THE NATIONAL EDUCATION ASSOCIATION

The Executive Committee of the National Education Association, which represents the vast majority of the nation's teachers, conferred this morning for several hours at NEA headquarters with HEW Secretary Elliot L. Richardson and Dr. Sidney P. Marland Jr. over the latter's appointment by President Nixon to the post of U.S. Commissioner of Education.

Following an extensive discussion with Mr. Richardson and Dr. Marland over five major priorities of the NEA, the Executive Committee found Dr. Marland's philosophy and plans for action consistent with NEA goals and therefore unanimously endorsed his nomination.

The five NEA priorities as established by the NEA's Representative Assembly, the Association's policy-making body, are: bargaining rights for teachers, broad federal financial support for education, student and community involvement, the right of teachers to control the teaching profession (professional autonomy), and human relations.

THE NATIONAL CATHOLIC EDUCATIONAL ASSOCIATION

WASHINGTON, D.C.—The nomination of Sidney P. Marland to be U.S. Commissioner of Education has been endorsed by the President of the National Catholic Educational Association, the nation's largest professional organization of Catholic educators.

Rev. C. Albert Koob, NCEA President, specifically cited Dr. Marland's "concern for the problems of all education, private as well as public," in announcing NCEA's approval of the nomination.

Praising Dr. Marland's "training, experience, dedication, and integrity, Father Koob said that the Education Office nominee "has long displayed exceptional qualities of leadership and educational statesmanship."

Dr. Marland is President of the Institute for Educational Development, a New York firm specializing in educational research and consulting. He earlier was Public School Superintendent in Pittsburgh and in other locations.

He is one of several prominent citizens serving as Sponsors of NCEA's Educational Service and Expansion Program.

President Nixon proposed Dr. Marland for the Education post to succeed Dr. James E. Allen, Jr., who left the office in June. The Marland nomination is now being considered by the Senate Labor and Welfare Committee.

Text of Father Koob's statement:

"I endorse and applaud the nomination of Sidney P. Marland to the office of U.S. Commissioner of Education. The problems of education today demand that a person of Dr. Marland's training, experience, dedication and integrity be promptly installed in this highly essential and sensitive position.

"Dr. Marland has long displayed exceptional qualities of leadership and educational statesmanship. His concern for the problems of all education, private as well as public, make him ideally suited for the role of Commissioner."

[Telegram]

PITTSBURGH, PA., September 28, 1970.

Senator CLAIBORNE PELL,
Chairman, Senate Subcommittee on Education, Senate Office Building,
Washington, D.C.:

Marland narrow-minded opposes citizen participation bungled Pittsburgh schools Winnetka. Isn't Pittsburgh U.S.A. oppose appointment.

BOARD OF PITTSBURGH EAST END EDUCATION COMMITTEE.

COMMUNITY ACTION PITTSBURGH, INC.,
Pittsburgh, Pa., September 28, 1970.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education, Committee on Labor and Public Welfare,
Old Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: AS Pastor of one of the oldest Baptist Churches in the Pittsburgh Community and as an employee in a community oriented organization

and as a frequent broadcaster on the radio station most listened to by the Black Community, I would like to share with you my concerns in the recent appointment by the President of Doctor Sidney P. Marland, Jr. to the position of Commissioner of Education.

Dr. Marland's administration in Pittsburgh was characterized by imagination, forcefulness and total dedication to the development of an outstanding program of Education. I believe that this same kind of dedication would be forthcoming should he be confirmed by your Committee in this recent appointment. His past experience and background fits him well for this high level position and for dealing with the myriad problems that are extant across our country in the field of education at this time.

In Doctor Marland, we witnessed a man standing his own ground in the midst of confusion and antagonism. Many of his recommendations certainly pointed to many valid and possible solutions to many pressing problems later became more pronounced because possible solutions were ignored. His recommendation for effecting racial balance and relieving over-crowded conditions in many schools proved to be effective.

I believe that organized criticism because of the stand taken by Doctor Marland in Pittsburgh is unjustified largely because his hands were tied by State regulations that were in force at that time. In this phenomenon, hysteria and seeking for personal publicity coupled with fighting between two groups pressuring for recognition combined to create a condition of chaos.

Doctor Marland was Superintendent of Schools in Pittsburgh when there was a national trend towards organizing the teachers on the one hand and when there was general disruptions of school activities on the other. This was a situation that he inherited and with which he had to live because of archaic methods of the selection and appointment of School Board members and because of illegality of contracting with professional groups in the State of Pennsylvania.

His reaction to the latter was in keeping with the laws of Pennsylvania. His reaction to the dissatisfaction in the community regarding the Board of Education was carefully thought out in that he was an employee of the Board and has nothing to do with the selection of Board members, which was the crux of the dissatisfaction.

There was the additional problem of dealing with many dissident groups and a multiplicity of minority group demands. These demands not only taxed the best minds available, locally but on a national scale. Doctor Marland attempted to deal with the problems in a fair manner and in keeping with the legal restrictions, actual and implied. In spite of the tenebrous times, his definite and clear cut stance gave some ray of hope in those instances where a listening ear could be found.

Even though I feel that the answer to our educational problems cannot be generated in Washington, but must come from the well meaning citizens, especially parents from the various communities across the country, it is imperative that we have in this top position, a man with the administrative background, the academic achievement, and the breadth of imagination as exemplified by Doctor Marland.

There are many other former and present workers for the Board of Education who join with me in expressing the same sentiment. This is true of the teachers who are members of my own congregation as well as other teachers with whom I have talked concerning this appointment.

I would like for this communication to be included in any records used by the Committee in considering him for this position, and if necessary, I would be happy to testify in person before the Committee.

Sincerely yours,

C. LEROY HACKER,

Director, Inter-Agency Relations, Pastor, Shiloh Community Baptist Church, Lieutenant Colonel, Chaplain, USAR.

Enclosure.

[From the Pittsburgh Press, Sept. 25, 1970]

EDUCATION HASSLE—MARLAND RUNS SHOW HIS WAY

(By KENNETH ESKEY, Scripps-Howard Staff Writer)

People who said Dr. James E. Allen Jr. was too controversial to be an effective U.S. Commissioner of Education probably are saying the same thing now about the man nominated to succeed him.

Even before his name was sent to the Senate for confirmation, Dr. Sidney P. Marland Jr. was under attack by the AFL-CIO, which regards him as anti-union.

Dr. Marland, a 56-year-old Connecticut, Yankee who won the Distinguished Service Cross as an infantry officer in the Pacific during World War II, was not exactly a bland choice for the job.

To say that Dr. Marland is abrasive would be untrue. He has charm and tact. He makes a conscious effort to separate his private preferences (on school prayer and Bible reading, for example) from his public statements.

But there is no doubt that Dr. Marland runs the show his own way—and anyone who thinks otherwise hasn't seen him in action.

One obvious difference between Dr. Marland and Dr. Allen, who was fired by the Nixon administration in June, is that Dr. Allen has been an outspoken advocate of busing to end school segregation.

Contrary to some reports, Dr. Marland did not favor busing for racial balance during his five years (1963 to 1968) as superintendent of schools in Pittsburgh.

CROSS-BUSING OF PUPILS OPPOSED

Dr. Marland believed cross busing to achieve a racial mix simply would drive more white parents to the suburbs. He was criticized by both the National Association for the Advancement of Colored People and the Urban League.

But he stuck to his guns, and Pittsburgh stuck closely to the neighborhood-school pattern.

The Marland approach to desegregation was a proposal to build five "Great High Schools," each with 5,000 to 6,000 students, serving the entire city of Pittsburgh.

The new high schools were to draw students from such large areas that white and black children would be brought together naturally rather than by some artificial mixing process.

As Dr. Marland visualized it, the new schools would be so academically excellent and so innovative in design that suburban parents might have second thoughts and move back to the city.

However, three months ago, after spending \$16 million on land and \$5 million on architects and consultants, the Board of Education abandoned the Great High Schools project—calling it impractical, expensive and lacking in public support.

Dr. Marland came to Pittsburgh after 16 years as superintendent in two affluent suburbs, Darien, Conn., and Winnetka, Ill. He came, as he put it, because "the desperate problems in education reside today in the big cities."

PUBLIC CONFIDENCE INSPIRED

Even his critics conceded he was a strong executive—a man who attracted millions of dollars in federal and foundation funds to the city, inspired public confidence, and had exceptional leadership and administrative qualities.

The issue that probably did as much as anything to dislodge Dr. Marland from Pittsburgh was collective bargaining for teachers.

While he didn't discourage teachers from joining unions, he was adamantly opposed to the formal bargaining situation in which teachers sit on one side of the table and the school board and superintendent sit on the other.

Instead, he tried to set up a professional advisory commission in which teacher groups could express themselves through the administration rather than directly to the board.

At the time, Pennsylvania had no law requiring bargaining with public employees but Dr. Marland's objections were as much philosophical as legal.

He considered himself the "head teacher"—the intermediary between teachers and school board. And he made it clear in a back-to-school speech in 1967 that he would "rather switch (jobs) than fight" his own faculty at the bargaining table.

His resignation in June, 1968, came only a few weeks after the American Federation of Teachers won the tentative right to bargain for Pittsburgh's 3,000 teachers.

[From the Pittsburgh Press, Sept. 27, 1970]

THE MARLAND NOMINATION

To hear his critics tell it, Dr. Sidney P. Marland Jr. would be a disaster as U.S. commissioner of education.

"We're going to fight him all the way," vowed a spokesman for the AFL-CIO after Dr. Marland's name was sent to the Senate by President Nixon.

The reason for this implacable opposition is that Dr. Marland, when he was superintendent of schools in Pittsburgh, said some negative things about collective bargaining for teachers—an area, by the way, in which he would play no direct role as commissioner of education.

It also has been pointed out that Dr. Marland has a reputation for "educational gimmicks" (new ideas). And we can't have any of that, can we?

What the critics fail to mention is that Sidney Marland, whatever his faults, is one of the more energetic, innovative tough-minded and widely respected men in public education.

His leadership capabilities are so obvious that even the president of the AFL-CIO Pittsburgh Federation of Teachers (who often disagreed with Dr. Marland) once described him as an "excellent and very competent superintendent."

Dr. Marland probably is as well qualified as anyone to make some sense out of a federal education complex that spends \$4 billion a year on 80 different programs that range all the way from nursery schools (Head Start) to graduate schools.

One of his special assets in Pittsburgh was a talent for getting and using federal and foundation funds in poverty neighborhoods—where the schools needed all the help they could get.

The U.S. Office of Education has been operating without a commissioner for more than three months. That's too long. Unless his critics can make a better case than they have so far Dr. Marland should be given a chance to do the job.

THE NATIONAL ASSOCIATION OF SECONDARY PRINCIPALS,
Washington, D.C., September 30, 1970.

Senator CLAIBORNE PELL,
Committee on Labor and Public Welfare,
Old Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: The National Association of Secondary School Principals, through its 35,000 members, has given most enthusiastic support to the appointment of Dr. Sidney Marland as U.S. Commissioner of Education. Dr. Marland is an outstanding educational leader. His work in New England, the Midwest, and as Superintendent of Schools in Pittsburgh has fully demonstrated his administrative ability and commitment to quality programs. We are confident that his leadership in this most important position at this critical time will enable American education to meet its challenges.

We urge your support in insuring immediate Senate confirmation of Dr. Marland.

Yours very sincerely,

OWEN B. KIERNAN,
Executive Secretary.

PITTSBURGH FEDERATION OF TEACHERS,
Pittsburgh, Pa., October 2, 1970.

Senator CLAIBORNE PELL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: I am enclosing a copy of my letter to Senator Schweiker concerning President Nixon's nomination of Dr. Sidney P. Marland, Jr., to be U.S. Commissioner of Education.

The American Federation of Teachers and I will be grateful for whatever action you can take in this important matter.

Sincerely,

ALBERT FONDY,
President, Pittsburgh Federation of Teachers, AFT.

Enclosure.

PITTSBURGH FEDERATION OF TEACHERS,
Pittsburgh, Pa., September 28, 1970.

Senator RICHARD SCHWEIKER,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SCHWEIKER: I write to acquaint you with my personal opposition, and the opposition of the Pittsburgh Federation of Teachers, to the confirmation of Dr. Sidney P. Marland, Jr., to be U.S. Commissioner of Education.

I have been president of the Pittsburgh Federation of Teachers for more than three years, including the period of our 11-day strike for a collective bargaining election in 1968.

I can personally attest to Dr. Marland's economic insensitivity and to his outright hostility to teacher unionism and collective bargaining. I know additionally of his private and vindictive anger at custodial workers who supported the PFT's efforts.

As dedicated teachers we are especially concerned with Dr. Marland's close connection with the so-called "Educational-Industrial Complex." We see an inherent conflict of interest if he is named to the post of Education Commissioner.

The much-ballyhooed Pittsburgh "Great High Schools" plan, for which Dr. Marland once took credit, withered without him and has finally been scrapped by our School Board. While that plan remained alive it diverted funds for school construction and major school progress here for more than five years, not to mention the approximately \$20,000,000 wasted in architectural design and land acquisition.

One personal note I would like to interject is the simple fact that Dr. Marland resigned from Pittsburgh about two weeks after the PFT's election victory, at a time when our school system was obviously in a period of its greatest social and economic distress. It might be said that the union position Dr. Marland had taken publicly provided him with a most convenient excuse to abandon a very difficult situation, a situation of which he had been the overseer for more than five years.

I am enclosing a copy of our Executive Board's resolution concerning Dr. Marland for your future information.

I understand the important decision you face in this whole matter. All of us in the PFT appreciate your concern and action in previous matters about which we have contacted you.

Thank you for your consideration of this letter.

Sincerely,

ALBERT FONDY,
President, Pittsburgh Federation of Teachers, AFT.

RESOLUTION OF THE EXECUTIVE BOARD, PITTSBURGH FEDERATION OF TEACHERS,
AFT, WEDNESDAY, AUGUST 12, 1970

Whereas, the members of the Pittsburgh Federation of Teachers and all the teachers of Pittsburgh are aware that former Pittsburgh school superintendent, Dr. Sidney P. Marland, has consistently opposed collective bargaining for teachers, and

Whereas, the PFT Executive Board is personally aware of Dr. Marland's anti-union attitudes, and

Whereas, Dr. Marland's opposition to the teachers' union and to collective bargaining were the major contributing factors to the precipitation and to the prolongation of the 11-day 1968 teacher strike here in Pittsburgh over the single issue of the holding of a collective bargaining election, and

Whereas, Dr. Marland, in accordance with his own earlier statements, clearly left the city of Pittsburgh because of the PFT's collective bargaining election victory, and

Whereas, his departure from Pittsburgh came at a time when the Pittsburgh Public Schools were in their period of greatest economic and social distress, and

Whereas, collective bargaining for teachers is clearly and irreversibly the wave of the present and of the future for all public school teachers in this country; therefore, be it

Resolved, That the Executive Board of the Pittsburgh Federation of Teachers is opposed to the nomination of Dr. Marland to be U.S. Commissioner of Education, and further be it

Resolved, That the PFT Executive Board urges all concerned organizations and individuals to work in opposition to Dr. Marland's appointment, and finally be it

Resolved, That the PFT Executive Board particularly urges the American Federation of Teachers and our other national affiliates to oppose actively this nomination, and, should the nomination be offered, to fight vigorously against confirmation of such nomination.

HOBBS, DORMAN & COMPANY, INC.,
New York, N.Y., October 7, 1970.

HON CLAIRBORNE PELL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: It is my understanding that President Nixon has submitted to Senator Ralph Yarborough and the Committee on Labor Relations and Welfare of which you are a member, his nomination of Dr. Sidney P. Marland, Jr., as United States Commissioner of Education.

Such being the case I am writing you in strong support of this nomination. I was privileged to serve on the Board of Education in Darien, Connecticut, during the period 1948-1955, a period almost identical with Mr. Marland's tenure as Superintendent of Schools in Darien. During that period, too, I served as Chairman of the Darien Board of Education for the years 1950-1952. In brief, over a seven-year stretch I had a continuing association with Mr. Marland, and innumerable occasions to gauge his qualities as a person and as an educator.

As an educational publisher I have naturally kept in touch with Dr. Marland over the years and I am confident that he merits the liberal Democratic support in the Senate. (Incidentally, as you may or may not know, Boards of Education in Connecticut are by law, bi-partisan, and the Boards elect their own Chairman. As a registered Democrat of the liberal persuasion, I would absolutely never have made it in Darien, otherwise.)

Anyway to sum it all up Marland is no Carswell or Haynsworth but a dedicated, liberal, well-trained and experienced educator. He is one of the ablest administrators I have ever known. He is an indefatigable worker. He is an idealist with a solid grassroots sense of the feasible and the practical. He is a staunch subscriber to the educational welfare of children and the welfare, integrity, and honor of the teaching profession (all allegations to the contrary notwithstanding). He gets along well with people—and is invariably respected. He has both brains and courage.

I know I would be speaking for the total membership of the Darien, Conn. Boards of Education under which Dr. Marland served in urging his prompt and wholehearted confirmation as United States Commissioner of Education. Anything you can do to support this nomination will directly contribute to the general welfare. I simply cannot envision a superior candidate for this important position.

Respectfully yours,

RONALD P. HOBBS,
President.

LOS ANGELES COUNTY FEDERATION OF LABOR, AFL-CIO,
October 8, 1970.

HON. CLAIRBORNE PELL,
Member, Senate Labor and Public Welfare Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: I am writing to you to urge you vote against confirmation of the nomination of Sidney P. Marland, Jr., as United States Commissioner of Education.

I do not request that the Senate deny confirmation of the President's nomination very often, nor do I do it lightly, because I feel as a matter of opinion that the Chief Executive Officer should have freedom to select the people who are to implement policies of his administration. However, there are times when a particular individual has a record so odious or a pre-disposition so detrimental to the prospects that he will perform his functions in an impartial even-handed manner, it is essential to speak out against confirmation. The appointment of Mr. Marland as United States Commissioner of Education would provide such a case.

One of the important roles he would play would have to do with the rights and duties of teachers. Because this gentleman has been most outspoken in his opposition to the right of teachers to belong to organizations of their own choosing and to enjoy collective bargaining rights common to all other employees, it seems to me that his holding this office would be most prejudicial to the free exercise of these rights by teachers all over this country. For this reason, I am urging that confirmation be denied so that office might be filled by somebody who would be more inclined to exercising a sense of fairness in dealing with teachers.

Sincerely yours,

SIGMOND ARYWITZ,
Executive Secretary.

THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK,
New York, N.Y., October 20, 1970.

HON. CLAIBORNE PELL,
*Committee on Labor and Public Welfare, Senate Office Building,
Washington, D.C.*

DEAR SENATOR: I am writing about Dr. Sidney P. Marland who has been nominated for United States Commissioner of Education.

I have known Dr. Marland for nearly twenty-five years. I served on the Board of Education during his entire tenure as Superintendent of Schools in Darien, Connecticut. Two years of that time I served as Chairman. I have been in frequent contact with him while he served in Winnetka, in Pittsburgh and more recently here in New York.

Sid Marland is a man of highest integrity, enormous energy, superior administrative capacity and deep dedication to the interests of public education. Among his greatest talents is the ability to deal with people, to cut through the peripheral entanglements and get to the core of a problem. Comingled with his talents for getting things done is a sense of humor, a sensitivity to differing points of view and yet a firmness in dealing with his adversaries when important objectives are threatened.

I have heard that there is opposition from some of the labor leaders. Any attempt to label Sid Marland as anti-labor arises either from a misunderstanding of the man and his purposes or a deliberate attempt to discredit a highly competent educator. You undoubtedly have seen a summary of the facts on his labor position in Pittsburgh developed by H.E.W. He is neither pro nor anti-labor. He is strongly for the highest standards in educational efficiency and equally strongly opposed to mediocrity wherever it exists in our educational system.

I happen to know that Dr. Marland did not seek this appointment, and his own personal interests would be better served in a variety of other positions available to him. His willingness to accept this assignment arises from a deep sense of duty to his country.

In these critical times when it is increasingly difficult to persuade men of integrity and competence to serve our government, I believe it would be a great tragedy for our country if this nomination is not confirmed.

Yours sincerely,

ROGER HULL.

NEW YORK, N.Y., *October 22, 1970.*

HON. CLAIBORNE PELL,
*Committee on Labor and Public Welfare,
Senate Office Building, Washington, D.C.*

MY DEAR MR. PELL: I was very interested to see President Nixon's nomination of Dr. Sidney P. Marland as Commissioner of Education in the Department of Health, Education and Welfare.

As a member of the Board of Education of Darien, Connecticut, I worked directly with Sid Marland for the better part of eight years during his tenure there as Superintendent of Schools. As a result, I have the highest regard for his competence and his deep-seated belief in public education as one of the cornerstones of our way of life.

I can think of no one who is better equipped for this post than Marland—not only due to his experience which has been considerable, but because as a man he is really a great leader in his field.

He is intelligent, broad-gauged, and completely with the belief and conviction

that grade "A" public education has to go for everybody—regardless of shape, size, color, creed, or anything else.

I certainly hope he gets your clearance.

Sincerely yours,

W. T. OKIE.

DENVER, COLO., *November 2, 1970.*

DEAR SENATOR PELL: The Senate Labor and Welfare Committee is holding hearings on Sidney P. Marland. I urge you as a member of the Labor and Welfare Committee to oppose Marland's nomination for U.S. Commissioner of Education.

Marland has opposed real collective bargaining for teachers and early this year urged an antistrike bill for teachers in the Congress. In addition, he has advocated the voucher system and performance contracting which substitutes the private business sector for the *public* in the term public education.

I strongly urge you again to oppose Marland's nomination.

Yours very truly,

JUNE M. WELLS.

OCTOBER 30, 1970.

DEAR SENATOR PELL: I urge you as a member of the Labor and Welfare Committee to oppose the nomination of Sidney Marland as U.S. Commissioner of Education.

As a teacher, I view Marland as an outspoken enemy of teachers' rights to organize and teachers' unions in particular. Early this year Dr. Marland urged Congress to enact antistrike legislation for teachers.

Yours truly,

PATRICIA GRATTON.

DENVER, COLO., *November 3, 1970.*

Senator CLAIBORNE PELL,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR PELL: As a former teacher I am concerned about President Nixon's appointment of Sidney J. Marland as U.S. Commissioner of Education.

Marland has been a long-time opponent of real collective bargaining for teachers. He recently urged Congress to pass a teacher antistrike bill. Overall, Marland has supported those very things which educators have criticized as not advancing the cause of public education.

As a member of the Labor and Welfare Committee, I strongly urge you to oppose Marland's nomination.

Yours very truly,

RICHARD J. RAPP.

WHITNEY SCHOOL,
Chicago, Ill.

SENATE LABOR AND PUBLIC WELFARE COMMITTEE,
Washington, D.C.

DEAR SENATOR CLAIBORNE PELL: In the interest of quality education and in the interest of the rights of teachers as publicly employed professionals, we, the undersigned teachers and citizens do respectfully protest against the proposed appointment of Sidney Marland to the position of U.S. Commissioner of Education.

We urge you to consider the following factors in opposition to Mr. Marland's confirmation:

(1) His stand against collective bargaining and against teachers' right to strike places teachers in a position of second-class citizens who are not afforded the same labor rights as industrial workers.

(2) His close relationship to commercial activity in education might cause Mr. Marland to conduct the financial expenditures of his office in a biased manner.

Enola A. Pirog, John A. Pirog, Eva L. Pereira, Nancy Lipo, Robert Mindy, Joseph Shagg, June R. Kakacek, Marlene Woytonik, Aurelia Hysnik, Wanda Garny, Donald Siegel, Howard Fine, Sarah Winke, Anita Topic, Patricia Ann Harazin, Harriet L. Sevczick, Marie C. Faznto.

WHITNEY SCHOOL,
Chicago, Ill.

SENATE LABOR AND PUBLIC WELFARE COMMITTEE,
Washington, D.C.

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(2) His close relationship to commercial activity in education might cause Mr. Marland to conduct the financial expenditures of his office in a biased manner.

Dorothy G. Celezic, Eileen Meyer, William R. Lamar, Lorraine O'Malley, Marcia Berke, Theresa Stboukal, Nancy Williams, Donna J. Pelley, Carol J. Korten, Margaret C. Slimmer, Nancy Hassman, Virginia LaManlia, Harriet Seviak, Frank Kosek.

EDUCATION COMMISSIONER OF THE STATES,
Denver, Colo., November 13, 1970.

HON. CLAIBORNE PELL,
Committee on Labor and Public Welfare,
New Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: President Nixon's nomination of Dr. Sidney P. Marland for United States Commissioner of Education comes at a critical time in the history of our nation as it relates to the complex problems and demands upon a burgeoning education system. Quite obviously there is a crisis of confidence in education abroad in the land today. Restoring the faith of the American people in education, while at the same time working to bring about orderly changes within the system, commensurate with the needs and aspirations of our citizens, both young and old, is a prime function of the Commissioner. We feel that Dr. Marland is admirably suited for this role, and that if sustained in the United States Senate our system of education will have an effective and articulate spokesman at the national level.

We are aware of opposition to Dr. Marland's confirmation, of course, but find very little basis in fact for it. We would point out that Dr. Marland has not only survived but has served exceedingly well in many capacities in a highly controversial field for an extended period of years. He has always gravitated to increasingly important roles of leadership in that field with a marked degree of success.

As you know, Dr. Marland has served with distinction as superintendent of schools, in Pittsburgh, Pennsylvania, and Darien, Connecticut, and as Director of the Institute for Educational Development. He was Vice Chairman of the Whitehouse Conference on Education in 1965 and is a member of the Advisory Council to the Office of Economic Opportunity for the education of disadvantaged children.

We have no time to lose in expanding proven programs, attacking the inadequacies of the schools and in making school systems accountable to the general public. We look forward to working with Dr. Marland in our efforts to improve the quality and quantity of education at the state level. We hope that you will give favorable consideration to Dr. Marland's nomination for the office of United States Commissioner of Education when it is presented.

Respectfully,

WENDELL H. PIERCE,
Executive Director.

WORCESTER STATE COLLEGE FACULTY FEDERATION,
 Worcester, Mass., November 23, 1970.

HON. CLAIBORNE PELL,
 U.S. Senate,
 Washington, D.C.

DEAR SENATOR PELL: The Worcester State College Faculty Federation strongly opposes the nomination of Sidney Marland for Commissioner of Education. Our stand is based on Marland's anti-teacher, anti-union attitude and the conflict-of-interest question arising from his presidency of the Institute for Educational Development.

An AP release of November 20, 1970 quotes Marland before the Senate Labor and Public Welfare Committee: "I am not opposed to collective bargaining for teachers." This claim is fairly puzzling when one considers Marland's long record of consistently anti-union statements and actions. During his service as Pittsburgh's school superintendent Marland opposed both the American Federation of Teachers and the National Education Association, stating "I do not intend to be a party to the swift decline of teachers' freedom into collectivism." He resigned the post after the AFT won a Pittsburgh collective bargaining election.

In connection with Marland's opposition to teacher strikes, the AP release says Marland "doubted his views were important because he said collective bargaining in education has not so far involved the federal government." We feel that Marland's soft-peddalling of this issue leaves an inaccurate impression of his intentions. Only last spring Marland urged enactment of federal anti-strike legislation for teachers.

We believe that schools can best be improved by attracting better teachers with better pay and working conditions. Marland agrees that such improvements may be "long overdue and justified" while complaining that "public funds have been diverted to teacher benefits as against other school needs."

Finally, there may be cause for concern in Marland's connections with industries interested in selling products and services to school systems. An article in the AFL-CIO News of September 26, 1970 mentions that "One study conducted by Marland's 'non-profit research and development firm' reported with enthusiasm the arrangement by which a 'management expert' was loaned to the New Haven school system for full-time service while remaining on the payroll of the Olin-Mathieson Chemical Corporation."

We feel that Marland's appointment to this post is unsuitable on all counts. We urge you not to confirm this nomination.

Sincerely,

 GEOFFREY GARRETT, *President.*

THE EAST END EDUCATION COMMITTEE,
 Pittsburgh, Pa., November 27, 1970.

Senator CLAIBORNE PELL,
 Senate Labor Committee, Senate Office Building,
 Washington, D.C.

DEAR SENATOR PELL: The East End Education Committee would like to comment on the testimony of Dr. Sidney P. Marland, Jr., before your committee on November 19; we ask that you draw our remarks to the attention of the full committee before it makes its decision about the approval of Dr. Marland for the position of Commissioner of Education.

The Pittsburgh Press reported that Marland told of significant educational innovations during his service as Superintendent of Schools in Pittsburgh, including planning for educational parks and team teaching.

During Marland's tenure in office, a referendum was held to increase indebtedness to allow the Board of Public Education to proceed with plans for educational parks. After the referendum was passed, the plans were scaled down; the educational parks concept was replaced by a proposal for five "Great High Schools" housing five to six thousand students each. One of the several reasons for planning high schools of this size was to satisfy the State Human Relations Commission that Pittsburgh had a plan for integration. No attempt that we know of was made to plan integration of the elementary grades. As time passed and urban unrest became manifest, it became increasingly clear that to house thousands of adolescents of mixed races in one complex without having provided previous integration was irresponsible and foolhardy. Moreover, Marland's re-

ports of promises of State and Federal aid for the buildings (a major factor in the planning) proved to be speculation. No plans that we know of were made to prepare teachers in the modern methods of instruction reportedly planned for these buildings. Finally, this summer, a new Board of Education has junked the Great High School plan as expensive and unrealistic, even though some sixteen million dollars have been expended in land acquisition and architects' fees. As for the educational parks plan, it was, in our opinion, a hoax.

The significant educational innovations mentioned by Marland to your committee were scattered among a few schools; for the other schools, it was business as usual. No attempt that we can see was made during Marland's tenure to integrate these innovations into the rest of the system. The team teaching effort almost died when the Ford grant expired. Only Federal funding keeps it alive now. It appears to us that Marland established innovations only to attract Federal money to relieve the General Fund budget, rather than to assure quality education for all Pittsburgh children.

The East End Education Committee came into existence in Spring, 1969, after Marland left. Its members are citizens of the East End of the city, primarily professional parents of young children in non-poverty schools. We are one organization of several which became active at the end of Marland's tenure when it became apparent that the Pittsburgh school system, in a mess when he arrived, were becoming remote, top heavy with administrators, and out of touch with the communities and the pupils. We feel that because we are experiencing the effects of Marland's work on our schools, we are well qualified to recommend that your committee not approve his appointment as United States Commissioner of Education.

Sincerely,

CAROLEE LABBAUF,
Chairman, East End Education Committee.

To: Robert Harris, staff director.

Senator YARBOROUGH,
*Committee on Labor and Public Welfare,
Senate Office Building, Washington, D.C.*

Results of legislators' polls this month throughout the country concluded by the National Education Ombudsmen's Association this week in Puerto Rico, now indicate that legislators receiving briefing are overwhelmingly in favor of establishing State education ombudsmen's offices to bring in changes faster without conflict and waste. State legislators would like Federal assistance to bring in needed State and local education ombudsmen resolutions and legislation. They hope that the United States Office of Education Commissioner will assist in the legislation and in the training in educational ombudsmanship that is needed for the Nation's schools.

Please put this communication into the public records for the hearings.

For info: Write Box 311, Unionville, Conn. 06085—or call 203-677-7507, collect.

ROSALYN SWITZEN,
National Education Ombudsmen's Association.



P.O. BOX 311
UNIONVILLE
CONNECTICUT 06085

AN ACT

An Act Establishing an Office of State Education Ombudsman

1. Section 1 As used in this act (a) administrative agency means any
2. department, division, bureau, board, commission, authority
3. office or other unit of the state or any political subdivision
4. of the state*, having jurisdiction, authority, regulatory
5. or review powers over any matter dealing with or affecting
6. directly or indirectly, public education in the state;
7. (b) administrative act means, any action, commission,
8. decision, recommendation, practice or procedure of any
9. administrative agency.

10. Section 2. There is established within the department of (finance and
11. control) an office of State Education Ombudsman which
12. shall be responsible for the following:
13. (1.) In investigation of any administrative act concerning
14. public education, on complaint from any person or on his own
15. motion, which may be contrary to law or regulation, unreasonable,
16. unfair, oppressive, inconsistent with the general scope of the
17. administrative agency's function or authority; based on a
18. possible mistake of fact or on improper or irrelevant grounds;
19. performed in an inefficient, dilatory, rude or insolent manner
20. or based on inadequate preparation, investigation or knowledge
21. of the subject matter involved;
22. (2.) continuing research in all areas affecting public
23. education in the state, including but not limited to, methods
24. of teaching, innovative instruction programs, dissemination of
25. educational materials, school building facilities and their
26. use by the community; mass media for educational innovation;
27. (3.) establishment of a training program for educational om-
28. budsman to function locally in the secondary schools and
29. state institutions of higher learning, which programs
30. shall also be available to non-publicschool personnel,
31. members of the community at large, and elected officials of
32. local boards of education.

1. Section 3. Such office shall be directed by a state education ombudsman,
2. appointed by the governor for a term of six years, confirmation
3. by two-thirds of the members of the House and Senate present
4. and voting. He shall be a person well-qualified, with
5. experience in analyzing problems in education, finance,
6. administration and public policy and shall not be active
7. in partisan political affairs during the term of his office.

8. He shall be exempt from classified service, but must be
9. willing and able to become oriented in information(communi-
10. cation) science and ombudsmanship as are now being
11. developed on a national scale through newly forming
12. Education Ombudsmanship Advisory Councils for each state.
13. Up to ten Advisory Council members will serve voluntarily
14. without compensation in each state, with as many ex-officio
15. officers of currently functioning pertinent administrative
16. agencies as designated here**, including behavior science,
17. mental health and education.

18. He may be reappointed for not more than two terms. He may
19. be nominated for office by any recognized or concerned agency
20. or individual. However, twelve persons of recognized stature
21. in education and public life in the state will be named to
22. serve on a State Education ^{Ombudsman} Search and Nominating Committee,
23. through a majority vote designation of the (up to) twenty
24. members of the Advisory Council to submit three names to the
25. governor and legislature.

26. The Ombudsman is to have a staff which he will designate. The
27. legislature, by concurrent resolution duly adopted by a three-
28. quarters vote of the members of each House, present and voting,
29. may remove such an Ombudsman from office for neglect of duty,
30. misconduct or ill-health. Said Education Ombudsman, subject to
31. the provisions of Chapter ___ may employ such clerical and
32. technical assistance as he deems necessary to carry out the
33. functions of the office and within the budgetary appropriation.
34. In each Education Ombudsman's office for a state, it is recom-
35. mended, but not mandatory, that there be at least one race
36. relations officer and one innovation technologist, as well as
37. investigators for campus unrest and general grievance machinery.

1. (a) Said State Education Ombudsman shall prescribe by regulation
 2. the method by which complaints shall be made, received and acted
 3. upon and the form, manner and distribution of the determination
 4. made on a complaint. He may request and shall be given such
 5. assistance and information he deems necessary to carry
 6. out the functions of his office from any administrative
 7. agency and may examine the records and documents of such
 8. agencies and inspect their physical premises at reasonable
 9. times. He may, by subpoena, compel the attendance of
 10. witnesses and the production of any papers, books, accounts
 11. or documents relevant to the matter under investigation. No
 12. person shall be excused from attending.



AN ACT

13. *You are invited to a Reception to a Bill*

14. *The State Education Ombudsman Bill*

15. *will be unveiled November 21, 1970*

16. *An Act to set up a State Education Ombudsman Office*
 17. *and*
 18. *provide the monies therefor.*

19. *R. S. V. P.*
 20. *P.O. BOX 311*
 21. *UNIONVILLE*
 22. *CONNECTICUT 06085*

23. If after consideration and investigation of a complaint, he
 24. is of the opinion that an administrative agency should consider
 25. the matter further, modify or repeal an action, or alter
 26. a regulation or ruling, or take such further action as may
 27. be warranted, he shall so advise such administrative agency
 28. prior to announcing this determination and indicate a
 29. reasonable time within which the agency shall take whatever
 30. action is necessary to correct the subject matter of the
 31. complaint.
 32. If, in his opinion, a complainant has other remedies available
 33. which he has not exhausted, or the complaint is trivial, frivolous
 34. vexatious, not made in good faith or the complainant's
 35. interest is not sufficiently related to the area, he may
 36. refuse to investigate the matter, or if in his opinion the
 37. complaint should be referred to another agency, he shall
 make such referral and notify the complainant in writing.

1. All complaints of waste of public funds for lack of needed
 2. innovation are to be properly heard, by the ombudsman office.
 3. The office can only advise, cannot enforce and is largely
 4. empowered to insure proper hearings.

5. Section 5. The sum of ____ is appropriated to carry out the provisions
 6. of this act.

7. Section 6
 8. This act shall effect immediately, with a request to the
 9. National Education Ombudsman's Advisory Council to submit a
 10. list of nominations for the first State Education Ombudsman
 11. by consulting with the following ex officio officers for
 one nomination or name for each agency:

- 1) The Governor of the state
- 2) the Chief State Education Officer
- 3) The education chairmen of the Education Committees of each House of the Legislature
- 4) A non-partisan group of legislators of both Houses, to be called the Ad Hoc Nominating in the Legislature for State Education Ombudsman.
- 5) A representative of the Major Bar Association.
- 6) A representative of minority and community groups meeting jointly.
- 7) A representative of the major Parent Associations and professional educational organization.
- 8) Other groups as shall be designated from time to time by resolution.

Representatives from all the above groups to meet fro a single day, nom inating session with funds provided for travel expenses only, at which session the criteria for such nominations are established. Since the Education Ombudsman has to be a very special type of officer, the search for this individual is of primary importance. At least eight names can yhus be submitted to the National Education Ombudsman's Advisory Council of which the Governor is an ex officio member for final nomination for each state legislature.

* * * * *

→ MEMO TO EDUCATORS.....Nov. 11, 1970.... ←

THIS IS THE SECOND DRAFT...CAN YOU HELP REVISE THIS, FOR 3rd DRAFT TO BE PRINTED OUT ON NOV.16, 1970, for introduction to state legislatures ?.....See Mrs. Wallace ... of NCCC, Sociology Instructor, today, for a meeting in West Hartford tonight, or call 203-677-7507 (Farmington), or write Box 311, Unionville, Connecticut.....

DISTRIBUTION SERVICE OF THE ED. OMBUDSMEN'S COUNCIL
Write to: Box 311, Unionville, Connecticut for info..

the campus

OMBUDSMAN

... a grievance man for students

by Howard Ray Rowland

Suppose you're one of Massive University's X-thousand students. Your computer-printed term grade report has arrived in the mail. Much to your dismay you discover that you've received an F for a course you didn't take. An obvious error. All you have to do is notify the proper office. But there's the rub. Which of the dozen possible offices is the proper one? Should you see your academic adviser? Someone in the Registrar's Office? The Student Affairs Office? The Computer Center? At each office the employees are busy, phones are ringing, students are waiting. Because the next term is already under way, you are pressed for time. After several attempts you still haven't convinced anyone that the F is an institutional failure, not yours. You become irritated and frustrated. In fact, you're ready to join the next student protest against the system because you feel victimized by it. Where can you turn for help?

When a student at Michigan State University faced a similar problem last year, he turned to a faculty member designated as the campus ombudsman.

As soon as the ombudsman, James D. Rust, an English professor, recognized the student's grievance as genuine, he lifted his telephone and made one call. The student received instant assurance that his grade report would be corrected. Another Michigan State student was shuttled back and forth between two offices six times when he tried to obtain a duplicate copy of a fee receipt he had lost. Finally he unloaded his exasperation on Dr. Rust. The outcome is best described in the

student's own words: "He phoned someone who immediately found an extra copy. Dr. Rust told me to go back to a certain girl in the Administration Building, and when I got over there, a duplicate receipt card was waiting. The girl informed me that as far as she knew it was the first one ever issued at MSU."

This combination of personal concern, knowledge of procedures, and ability to cut red tape is what makes the campus ombudsman popular with students at Michigan State and at some 20 other American colleges and universities where the office has been established in the past three years. Other educational institutions, including community colleges and high schools, are considering the concept

Although new to higher education, the ombudsman (in Swedish, literally "grievance man") has long been active in public administration, particularly in Scandinavia. The 1809 Swedish constitution created the position so that citizens would have somewhere to turn other than to the courts if they felt the government had deprived them of basic rights. In modern times, Finland, Denmark, and Norway, as well as New Zealand, Great Britain, and two Canadian provinces have adopted the idea. Proposals for integrating ombudsmen into this nation's federal structure have been introduced in Congress on several occasions, and Hawaii has enacted ombudsman legislation.

The unprecedented expansion of college enrollments in this decade has

Ombudsman—(continued on page 56)

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CLASS reprint

Spring '70

Coming-- The Student Ombudsman

Ombudsman--(continued from page 55)

forced the institution of higher education to adopt bureaucratic features, such as specialization, hierarchy of authority, and impersonal rules. The plight of the individual student on the large and impersonal campus is a growing social concern.

While students in groups have learned to exert considerable influence through effective organization, students as individuals sometimes suffer from neglect, abuse, and manipulation. Unsure about procedures and confused by the diffusion of authority, they feel a frustration akin to that of the citizen who cannot "fight city hall." Institutions like Michigan State have recognized the value of providing a competent advocate to help the student cope with discrepancy in power and size between himself and the institution. Student response generally has been favorable.

The ombudsman at a college or university is an independent faculty member who receives complaints primarily from students, although some campus ombudsmen also consider faculty grievances. The ombudsman decides which complaints he will investigate and which are unfounded or beyond his jurisdiction. The position is auxiliary to, not a replacement for, existing functionaries. The office of ombudsman—whether civil or campus—can be added to an existing system without altering the administrative structure and at comparatively little expense.

As with most innovations in higher education, the position of campus ombudsman raises questions. Is the office really performing a necessary service for the student and the institution or is it, as one critic claims, merely an administrative gimmick? Information obtained from campus ombudsmen and students who have consulted them supports a favorable assessment and provides the basis for some recommendations.

The primary objective of the

campus ombudsman is to help individual students resolve grievances created by the institution. His secondary goal is to reduce the number and degree of student problems by detecting patterns of complaints and recommending desirable changes in policies and procedures.

Student grievances brought to most campus ombudsmen cover a wide range of academic and nonacademic concerns, although the ombudsmen at Berkeley considers only academic matters. Academic problems include registration and admission, course requirements, quality of instruction, advisement, tuition, and grades. Non-academic problems range from housing, employment, and health care to traffic regulations and use of facilities and services.

A recent survey at Michigan State revealed that students who consulted the campus ombudsman during a four-month period represented all class ranks, age groups, grade levels, and housing categories. However, on a proportional basis, more upperclassmen, male students, and married students visited him. Nearly half the 218 surveyed students had taken their problems to two or more persons in authority before consulting the ombudsman.

Two-thirds of the surveyed students said that the problems they brought to the ombudsman were solved, and the same proportion indicated that they felt the ombudsman helped relieve student frustration and hostility. None wanted to see the functions of the ombudsman discontinued, including those whose problems were "not solved at all." Almost everybody said they would return to the ombudsman if they encountered similar problems and recommend him to others

Considering the complexity and diversity of American institutions of higher education, any attempt to propose a model for campus ombudsmen to follow must allow for modifications

for students -- write Box 311, Unionville
FOR MONOGRAPH #17----

to meet local conditions. However, the model suggested below, based on surveys of students and ombudsmen, includes those features generally considered essential to the successful operation of the office:

1. The institution with a campus ombudsman should have a relatively stable organizational structure that is supported and trusted by most of the people within it most of the time.

2. The office of ombudsman should be equivalent in salary and prestige to that of high-level academic and administrative positions.

3. The campus ombudsman should be a long-time faculty member at the institution, experienced in teaching and advising, and highly respected by students, colleagues, and administrators. Regardless of his academic discipline, he should have some rudimentary knowledge of the law and should become thoroughly acquainted with the civil ombudsman concept.

4. He should be carefully selected by a committee representing students, faculty, and administration. The governing board of the institution should make or confirm the actual appointment upon the recommendation of its chief administrative officer.

5. He should be appointed for a two-year term of office, renewable by mutual agreement of the ombudsman and the selection committee.

6. He should make periodic reports of a general nature that are widely publicized to all members of the institution. He also may make confidential reports with recommendations to the chief administrative officer, who should determine the extent of their circulation.

7. While serving as ombudsman, he should not be required to teach courses or perform other faculty duties that would reduce his accessibility to students with grievances.

8. He should have a private office separate from the main administration

building and conveniently located for students.

9. He should be receptive to individual student grievances, both of an academic and nonacademic nature, concerning the institution. He should decide which complaints are within his jurisdiction and competence and which merit his investigation.

10. He should use reasoned persuasion to bring about redress of genuine student grievances as expeditiously and equitably as possible.

11. Where a pattern of student grievances develops, he should work for a change in regulations, procedures, or personnel to prevent such problems from recurring.

12. He should conduct investigations in response to student complaints, not on his own initiative.

13. He should have access to all campus offices and files, except medical, psychological, and government-classified records.

14. He should keep confidential, written records on each case he considers.

15. When rebuffed in the course of an investigation, he should have the authority to appeal to the chief administrative officer for intervention.

16. He should not have authority to take disciplinary action, reverse decisions, or circumvent regulations. His power should lie in his prestige, persuasiveness, and persistence in stating his views to persons involved in a grievance and, if necessary, to their organizational superiors.

17. He should supplement, not supercede, other means of redress for student grievances.

18. Decisions on whether to continue the office should be based on systematic sampling of students who have consulted the ombudsman. □

The author is an associate professor and Director of Information Services at St. Cloud (Minnesota) State College.

Ombudsmen To End Violence

Zap the G a p

R-E-C-O-N-C-I-L-I-A-T-I-O-N

p o s i t i o n



WINSTED — Mrs. Phyllis E. Wallace, a sociologist, has called for an end to violence through the formation of student ombudsman congresses on campuses throughout the nation. Speaking at a campus teach-



The Ombudsmen could make revolution or riots obsolete, cut through red tape of the institutions. Feedback generated would give people in government a way to recognize undesirable patterns and get rid of them. One can only expect that Ombudsmanship will continue to spread throughout the democratic world as a necessary social retooling to achieve needed change without conflict. Organization men, rather than resent the Ombudsman, welcome him.

DUE TO THE SHORTAGE
OF
TRAINED TRUMPETERS
THE END OF THE WORLD
WILL BE POSTPONED
THREE MONTHS

RIO GRANDE VALLEY LABOR COUNCIL,
Harlingen, Tex., November 23, 1970.

Senator RALPH W. YARBOROUGH.

DEAR SENATOR: The true champion never quits fighting for the people, so we again call on you:

Please oppose the appointment of Sidney P Marland Jr. as the United States Commissioner of Education. He is against any form of teacher organization where there is a possibility of their being used in collective bargaining.

Our entire organization is against this appointment.

Yours truly,

R. E. RUDESAL, *Secretary.*

The CHAIRMAN. If there are no further questions by anyone, the hearing is adjourned.

(Whereupon, at 12:05 p.m. the committee adjourned, subject to the call of the Chair.)

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