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September 15, 1976

Dear Edith:

I have received and gone over all the material which you prepared for me in reference to education. It is excellent.

I want to study it further to see how it might be used for a basic speech. Also, it lends itself for use as resource material whereby key points can be incorporated into statements by myself and others when we set forth views on this very important aspect of American life.

I am deeply grateful for the time and effort you devoted to this, and it is of great help to me. I hope I can continue to call on you.

With warmest personal regards, I am

JERRY FORD

The Honorable Edith Green
1209 Southwest Sixth
Portland, Oregon 97204

GRF/JOM/d1

10
FO. Re: education

71-1535

To go with Edith Green

letter

Academic Freedom Paper Work Reverse Discrimination

Taken from Speech on Higher Education, 1975, Edith Green

80% or more of all of the jobs in the next several years will require only high school graduation.

The future will see an increase in the number of older individuals seeking to upgrade their skills connected with their jobs and continue their education through life. The number of people over 65, of course, in the United States is increasing by 35% and it is entirely conceivable to me that our institutions will become involved in cycles of learning covering the entire age spectrum, combining theory with work.

ACADEMIC FREEDOM

Let me turn to another item. Most of us, I think, have some recollection of the McCarthy days, and I refer here especially to Joe McCarthy. It was in those days that the real meaning of academic freedom was debated. It was in those days that tenure was fully justified to guarantee academic freedom for professors. But as I see it, there is a different kind of McCarthyism that is as much a threat to academic freedom as that of the early '50's. And let me illustrate. In a small town about 20 miles from Portland, Oregon, right now, a school board has refused to allow a certain individual of alleged communist beliefs, to speak to the high school students.

Many letters to the editor have been written and the American Civil Liberties Union is "shocked" at this kind of McCarthyism in the 1970's and has filed court action. Yet two years ago, a private college in Portland known nationally for its academic excellence, invited Pat Moynihan to speak -- the same Pat Moynihan who has made page one in the press yesterday and today. But those who had previously defended the right of Angela Davis and Gus Hall to speak on that same campus organized and demanded that the invitation to Pat Moynihan be withdrawn or the meeting cancelled. Why? Because Pat Moynihan did not subscribe to their particular orthodoxy on the causes and cures of significant social problems. And the ACLU remained strangely silent. There was no apparant concern about academic freedom here. Similar incidents, as you know, have occurred recently at Yale and on other campuses when views were to be presented which challenged the liberal orthodoxy.

Surely real academic freedom cannot operate under two sets of standards -- one for the conservatives but not the liberals in the early 1950s -- and one for the liberals but not for the conservatives in the late 1960's and the 1970's. Confrontation of any kind seems to capture the headlines of TV and the written press, but it contributes

to the loss of confidence which the American people have in their institutions. The followers of liberal traditions, the real liberal traditions, reject coercion and adopt persuasion. It seems to me that it is high time for the great majority in the college community to reaffirm its faith in majority decisions and not minority action, whether they be from the political left or center or right.

PAPERWORK

Let me turn to another item. Title IX of the Higher Education Act. The rules and regulations seem to have created all kinds of problems on college campuses. First, in administering the provisions of Title IX with respect to colleges and universities, it does seem to me that HEW has imposed an unreasonable amount of paperwork on these institutions. About two years ago, Paul Bragdon, of Reed College, called and said that the Civil Rights enforcement officer from the Regional office was demanding that they fill out and send to them a memorandum on every single person who had applied for a position, giving the race, the sex, the background, the experiences, etc., of the individual and also the disposition of the case -- whether that person was hired or not and why.

It was clearly not the Congressional intent to have colleges and universities submit a report on each and every applicant for a position. I was told that in these

of
days/a surplus of teachers that for a half dozen positions
or fewer many colleges might have from 1,000 to 3,000
applicants, and that it would require Reed College to
hire three people to do nothing but the paperwork. Gwen
Gregory and Pete Holmes of HEW enforcement office were in
my office in 1974 discussing this and I said to them I
objected to that burdensome paperwork and that I was thinking
very seriously of offering the following amendment to the
Appropriations Bill on HEW: That HEW shall not impose
upon any institution any requirements that it is not willing
to first impose upon itself. And that Congress directs
the Secretary to see to it that this burdensome paperwork
requirement is discontinued and to take steps to assure
that the law is administered more rationally in the future.
Gwen Gregory turned to me and said "Do you mean that we at
HEW would have to file a memorandum on every person who
applied for a position at HEW?" I answered, "That's
precisely what I mean." She was horrified at the thought.
I only regret now that I did not follow through and
bring it to a vote on the Floor. I think it would have
been adopted and would have put a stop to some of the
nonsense that we are seeing. I do see a greater and greater
intrusion on the part of Federal Government into daily
operation of all of our schools, elementary through graduate.

REVERSE DISCRIMINATION

Further, in regard to Title IX, I must say that my next few comments are not unrelated to the famous deFunis case in the State of Washington. Since I did draft Title IX, I think I know something about the Congressional intent; it was never my intent nor was it the intent of the Committee to establish a quota system. I consider the rhetoric of some in saying that we don't require quotas, we require goals, as nothing more than a game of semantics. Some of the rules and the regulations that HEW has issued, in my judgment, subvert the Congressional intent. I must say to you that I applaud the recent action by Brigham Young University and a couple of others who have stood up to HEW and have in effect told them to go to!! I am not sure but what some colleges and universities need to jointly file a class action suit against HEW for requiring them to violate the Civil Rights Act. Let me explain. For many years I have participated in the great national struggle against discrimination, both discrimination on the basis of race and on the basis of sex, and one of the ugliest aspects of discrimination was always the quota system. I was subjected to it -- quotas limiting women or Blacks or Jews or persons of Irish descent and on and on.

As I watched it over the years, quotas to me represented the crudest form of mindless inequality because that meant that an important decision was being made not on merit, but on some blatantly unfair, irrelevant criteria. Now, I find it hard to understand the reasoning that leads well-intentioned people in simplistic zeal to institute reverse quotas. Do they believe that one injustice deserves another? Is the basis of judgment to be merit or some strict ethnic or sex formula? And will we need to parcel out all opportunities to so many people age 20 to 30, 30 to 40, to so many Protestants, so many Catholics, so many Jews, so many women, so many Blacks, and on and on? Is this what democracy has come to mean?

Can there be opportunity or hope in such a rigid system? Often people argue that this is the only way to redress the evil that has lasted for hundreds of years. Because my grandmother was considered almost as chattel, and she was, and because my grandmother did not have the educational opportunities that her brothers had, and because my grandmother could not own nor sell property even that which she inherited from her father, and because during her entire lifetime she was never allowed to vote, am I her granddaughter, to be given preferential treatment to supposedly redress the evils of the past? I think not.

During my life, I would only have liked equal treatment.

I do not believe that it is just not fair nor indeed wise, for this generation to try to design a social system based on the mistakes and the injustices practiced by our forefathers. I do not believe that this is the best way to launch a more just world of the future. I have never believed that race nor sex nor religion nor national origin were valid criteria for either favorable or unfavorable treatment. This is one reason why I have been opposed to programs which give an advantage in job consideration and promotion to members of groups which have historically suffered discrimination. I am a member of one of those groups and I could recite by chapter and verse personal experiences to document the case. Nevertheless, I reject the thesis that reverse discrimination is therefore justified.

When Congress passed the Civil Rights Act, the famous Civil Rights Act of 1964, the purpose of that Act was to end discrimination on the basis of race, color, creed, national origin, age or sex. It was not designed to replace one injustice with another, any more than was Title IX.

One of the most damaging things about prejudice in my view, is that it gives primary value to a group

characteristic rather than recognizing the unique individuality of each human being. And it does not matter whether this discrimination works in the person's favor or against him, what he or she still loses is the irreplaceable privilege of being looked upon as an individual rather than an anonymous face in the crowd. As I see it, only genuine equal opportunity, containing neither advantage nor disadvantage, can provide this.

To the extent that the rules and regulations issued by HEW require colleges to give preferential treatment to some -- and thus unfavorable treatment to others, to that extent I believe HEW is requiring violation of the Civil Rights Act which prohibits any discrimination of any kind. A class action suit, filed by several universities, might well be one way of clarifying this issue.

The Rockefeller Report of a few years ago perhaps sums up my views the best; it said among other things that "ultimately the source of the greatness of any nation is in the individuals who constitute the living substance of that nation and that undiscovered talent, or wasted skill, or misapplied ability is a threat to the capability of a free people to survive." With this I agree 100%. In making sure that we develop the talents for some, let us not discourage others from reaching their full potential.

Over 100 years ago, Bismarck said: "The nation that has the schools has the future." That is as true today and tomorrow as it was in Prussia in the 19th Century.

We in this generation and in immediate preceding generations have imposed on ourselves and our children the most radical ideal in history: educational opportunity for all children with no ceiling of expectations because of race, creed or sex.

Education is as it should be, the number One business in this country. About 60 million Americans are in school full-time or part-time -- 10 million in post secondary and 50 million in elementary and secondary.

There are over three million classroom teachers and administrators. Education clearly out ranks the Department of Defense in total dollars spent with a large chunk of the Defense budget itself going into education. This represents a huge investment by taxpayers at the Federal, State and local level and the public is demanding that they receive a good return on their investment.

This Administration maintains a high degree of

concern about the quality of education since no other sphere of American activity is so closely bound to the lives of all Americans and since the very existence of our form of government is dependent upon the existence of an educated, sovereign people.

Early immigrants wanted education for their children more than almost anything else, it was the "open sesame."

Self-discipline was looked upon as essential to a successful life. And if self-discipline were absent, then imposed discipline in the home, in the school was accepted as reasonable and proper. The undisciplined child caused adverse criticism and reflected no credit on the parents.

Ask almost any teacher in our urban centers if this is the situation today.

As the 1976-77 school year begins I want to talk about what I believe is the "heart" of our school system -- the key to success or failure for the millions of boys and girls sitting in those classrooms, mini-shirted or in jeans, pony-tails or crew-cut, warm, angry, troubled bright, loved or unloved. The key to success or failure

is not buildings, or monuments to brick and stone. The key is the classroom teacher. Which one of us does not recall the impact made on his or her life by that very special teacher.

It seems to me a false and hallow charge against American educators that "they" -- let me repeat: that "they" have failed to overcome our social imperfections -- or that they and they alone are to blame that Johnny can't read. If we make demands on American teachers, if we measure them by ideals we think appropriate to our society generally, then we must not forget that the same yardstick of measurement must apply to us also.

No one institution of our society can, by itself, correct basic flaws in a society's moral or institutional structure. As I view it, any society that places on one institution the responsibility for social reform is doomed to failure.

Our schools, public and private, have made it possible for the United States to lead the world in

agricultural production, in science and technology,

in medicine, in transportation, in space exploration.

With all our failures -- we have in my estimation the

best educated younger generation in history.

Though I must confess I wish they'd be a little more modest in reminding us of it so often!!!

Many comparisons are made about high school graduates here and abroad. Usually the comparison is between the American average and the European elite. Teachers are very much aware that it would be an easy matter to display a high level of classroom achievement if one could point to the accomplishments only of the top students. This, in effect, is what the European system and the Soviet system insures, for there is a gradual weeding out process of less academically oriented. The critics, these days, in assessing the achievement levels make no mention of slow learners, mentally retarded, emotionally disturbed. The schools have not only accommodated a vast increase in school population, but at the same time expanded greatly the spectrum of services provided. They have extended voluntarily, or by government orders, curriculum to include vast new categorical programs from pre-school to graduate education. Only time will give the answers to the wisdom of these policies. And only time will provide the answers to the wisdom of our public policy of placing the major responsibility for

social reform on institutions, our schools.

But what of the future? Pride in past efforts, in past accomplishments must not be taken as a license to sit back in blissful self-content.

If the demands of the past were great, those of the present are much greater. Believing that the classroom teacher is the key, how can we channel more of the 130 Billion dollars now spent on education into those classrooms. How much more in Federal, State or local funds are required? How can we help that classroom teacher to teach, to inspire, to motivate, to set the example??

In the schools in today's urban centers and spreading rapidly to the suburbs, there is a venitable litany of ills:

drugs, disruption, violence, changing ethnic patterns - including increased racial tensions, failure to obtain local financial support from the electorate, uncertain Federal and State outlays, late funding with all its headaches, excessive demands for the schools to be all things to all people, emphasis on "social promotion" rather than academic achievement.

As I see it, one of the most urgent problems is to create a climate in every classroom where teachers can teach and students can learn.

Headlines - if not personal family experiences -- tell us that "school crime" is a major problem. The National Education Association reports that in the last school year there were:

- 100 homicides in schools
- 900 rapes in schools
- 12,000 armed robberies.

and a Senate study discloses that between 1970-1973 rapes and attempted rapes in schools rose 37%; assaults on students went up 85%; assaults on teachers increased by 77%.

Drugs and alcohol are serious problems even in junior high schools. Vandalism, alone, costs American taxpayers \$600 million a year. And may I say I'm weary of those who have as the solution: "Teachers just must understand our children better." I suggest it's hard for a teacher to have much patience as to understand a student who is about to hit him over the head with a chair!! And it's time for the home and the community to understand it, too. Our best teachers won't take it and

will leave the classroom for other kinds of employment that are more satisfactory.

I'm equally weary of those who rationalize and say if we just eliminate poverty and disease, we'd eliminate crime.

I'd remind them that some of the poorest never commit crimes and some of the sons and daughters of the most affluent do commit crimes. Studies show juvenile delinquency and crime cut across every economic and social strata. "Hope" and "idealism" can be a fasce for constructive change. But more is needed right now - today if our schools are not to become battlegrounds with wasted lives, multilated hopes, children destined to lead lives of ignorance and unemployment.

I say this with deep reluctance, deep regret but if policemen are needed to patrol the halls, so be it. If special classrooms, segregated not by race nor creed nor sex, but segregated by incorrigibility are required, then I say let's provide them so that other youngsters who want to learn are not penalized. No teacher, let me repeat, no teacher should be subject to physical or verbal assault by students. Nor should any teacher be fearful of the possibilities of physical

abuse by undisciplined students nor by the undisciplined parents of undisciplined students.

We can and must keep the schoolrooms of America in order just as we must keep America in order. The two are inexorably married in destiny.

If our schools fail, we fail; as they succeed, we succeed.

Can a civilization which has reached unprecedented heights of material well being, a civilization that has unlocked the spectacular secrets of the physical world, at the same time also find ways to provide moral and intellectual values, those very things that are the essence of civilization.

A Gallup Poll, last April, reported: "The public is overwhelmingly in favor of instruction in morals and moral behavior in the nation's public schools. Former President, Teddy Roosevelt, said, "To educate a man in mind and not in moral values is to educate a menace to society." I whole-heartedly agree. With the absence of moral instruction or moral example in many homes and with the apparent waning of church influence in many neighborhoods, I see no alternative to that of mucher

greater emphasis on instruction in moral conduct in both public and private schools. The first amendment prohibits the teaching, the establishment of a religion. It does not prohibit instruction in moral conduct. I sometimes fear we have abandoned both because we have equated the instruction in moral behavior with instruction in religion.

This must not be the responsibility of teachers alone, but a cooperative effort by parents, school board members, teachers, the producers of T.V. programs of crime and violence, the church, the morgue and the synagogue. The 170,000 school board members, serving with no pay, can be--and, indeed, are--a tremendous creative force in our society. They represent and are the very essence of democracy; they are the first contact for the citizens and youth of this nation with government.

They represent the lay citizens in each community--responsible for the education of the youngsters within their community; this concept is fundamental and unique in this country.

To demand miracles of our educational system must be an act of faith that all of us working together--school board members, teachers, parents, administrators and government officials at every level--that all of us working together can conquer the injustices within our society. This must be a collective ideal by which we measure our present efforts.

How can the Federal Government help in specific ways to make it possible for states and local school

boards to channel more funds into the classroom. Support consolidation of federal educational programs in the interest of service to education, effective administration, efficiency and economy. Move from categorical grants to block grants as general aid.

The proliferation of programs has reached the point where it is causing almost impossible management to keep the lines of communication, the avoidance of duplication, the infinite volumes of paper work surrounding the categorical programs.

The President of Ohio State University quotes a recent Library of Congress study which identified 439 separate laws on the books affecting post-secondary education. They come from dozens of different sub-committees in the Congress, each acting independently from other committees. The Office of Education has authority over fewer than half the Federal effort in education. Others are administered through at least 19 (check: probably more) other federal agencies. Thus it is just impossible to know the extent of waste, overlapping and duplication.

For example, there are 30 separate authorizations by Congress in support of instruction. Thirty-seven separate authorizations by Congress in support of low income pupils; 22 separate authorizations in reading programs.

If we continue to turn to Washington for a new program for every unmet need--there will be no end to the numbers of programs and the national budget will far exceed the \$413 billion of this year.

The Director of Inter-governmental relations for the Portland Public spoke for countless school districts in 1974 when he said: "The Portland public schools presently carry 192 special fund accounts for purposes of keeping track of \$10 million in federal funds that Portland schools manage. Each of these is backed by proposals, contracts, agreements, guidelines or related documentation. Certainly, the elimination of artificial program requirements and unnecessary red tape would be of immense relief to us locally."

There is a greater and greater intrusion of the Federal government into the daily operation of our schools elementary through graduate studies.

The polls would indicate--to put it mildly, that all initiatives, all wisdom, all knowledge does not somehow automatically flow to and collect upon the banks of the Potomac, these to be gathered and redistributed as gifts of the all-seeing Federal government. There is nothing timeless or sacrosanct about local control of

education just because it has been a tradition in America. But there is theoretical sense and horse sense in recognizing that problems and priorities are different in Tampa and Chicago, in rural Iowa and New York City, in Anchorage and Honolulu. An all-regulating government in Washington cannot foresee new problems created, funds wasted, antagonisms nurtured by repeating over and over "Congress knows best".

The Federal government does not surrender its obligation to deny funds to states or local schools boards which intentionally practice discrimination in north or south. But at the same time it does not prescribe to the last piece of chalk how Federal funds will be spent.

Concerned teachers and school board members are as concerned about inflation as any other taxpayer, not just because of its impact on one own's budget but because a 5% increase in inflation means the expenditure of five billion more dollars spent on education with no impact whatsoever on the quality.

Earlier I spoke of education being the number one business of this country. I intend to recommend to

the 95th Congress the establishment of a Cabinet-level Department of Education and Manpower Training. (Green knows this is presumptuous and bold but it should be considered.)

Health, Education and Welfare is far too large, too cumbersome, too impossible to manage. If some form of national catastrophic health insurance becomes the law of the land, the Department will be even more unmanageable.

Education must have a spokesman at the highest levels of government. For years, various members of Congress have introduced bills for a Cabinet level Department of Education. For years the democratic controlled Congress has failed to act. The establishment of such a Department is not in conflict with the local control of schools to which I am committed. However, it would be in a better position to consolidate existing programs scattered throughout so many agencies. It work in close cooperation with State Departments of Education and big city schools. It would help to reestablish the close partner relationship between colleges, universities and the Federal Government so that once again they become true partners working

together to solve the Nation's problems.

For those who are today the severe critics of our schools, I welcome that criticism. We need our critics, our moral drill sergeants, who order us to "pick up ourselves, there is another mile to go."

But may I suggest that just as the critics are useful, so are the cheerleaders. The fact that we may not have achieved all our goals does not mean that we have failed, that some other political system, some other educational system is preferable. If there have been monumental failures, there also have been magnificent successes. As we face the multitudinous problems and take whatever steps are necessary to find solutions, let us face the fact that the vast majority of our citizens -- teachers, administrators, academicians, scientists, businessmen, yes, and Government officials, are honest and decent, trying to do the best job possible. Having found our weaknesses especially during the last 12-15 years, perhaps in this Bicentennial Year we can rediscover our strengths and build upon them.

Let us have the imagination, the courage, the flexibility to change, change not for the sake of change

itself, but because new times, new circumstances require it. Let all groups in education seek to to protect particular vested interests but rather give their best service to education that will provide the leaders for the 21st Century.