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EDUCATION

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FROM:

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THE SEPARATE DEPARTMENT OF EDUCATION

On Wednesday, July 11, 1979, after several days of deliberations, the House of Representatives passed H. R. 2444, a bill which calls for the establishment of a separate, Cabinet-level Department of Education. The final vote on this important measure was alarmingly close - 210 in favor and 206 against. I was among those Members who voted against final passage of H. R. 2444.

I had doubts about the creation of a separate Department of Education, beginning with the President's initial proposal in this area. During the days of debate on the bill, I did consider, however, the possible benefits of a separate Department of Education. These included the assertions by many House Members that the mere establishment of a Cabinet-level organization to focus on this nation's commitment to education would be, in itself, a step forward. In addition, I heavily weighed the near convincing argument that the Secretary of Health, Education, and Welfare, with present authority over the Office of Education, is overburdened, and cannot possibly give sufficient attention to education while simultaneously focusing on the politics and economics of health and welfare.

However, these arguments, notwithstanding, it is very important to note the adoption of several harmful Amendments to the final version of H. R. 2444 which can virtually cripple the new Department of Education's authority to enforce equal education policies established by the Civil Rights Act of 1964, and the Education Amendments of 1972. Specifically, the

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House Bill includes one section which states:

"...no individual should be denied such education opportunities by rules, regulations, standards, guidelines, and orders which utilize any ratio, quota, or other numerical requirement related to race, creed, color, national origin or sex."

This Amendment was introduced by Congressman Robert Walker (R.-Pa.), and passed by a vote of 277 yeas to 126 noes.

Moreover, H. R. 2444 further now contains a provision which states:

"No provision of law shall be constructed to authorize the Secretary to issue any regulation, rule, interpretation, guideline, or order which requires, as a condition of eligibility to receive Federal assistance, or otherwise, the transportation of students or teachers (or the formulation or adoption of any plan for such transportation) to achieve racial balance in or to carry out a plan for the desegregation of any educational institution, school, or school system."

The primary sponsor of this Amendment was Representative John Ashbrook (R-Ohio), and the proposal was passed by a vote of 227 yeas to 135 noes.

Such Amendments are clearly anti-affirmative action, anti-busing, and anti-quota efforts.

Those proponents who have held fast to their support of the bill to establish a separate Department of Education maintain that these destructive provisions will be eliminated from the measure during the House-Senate Conference Committee deliberations on all changes, additions, deletions, and alterations. This Conference must now take place, since both Houses of Congress have passed different versions of the legislation. Therefore, the supporters believe that the Conference Report (which both the Senate and House will vote on before the bill is sent to the President to be signed into Public Law), will not contain the damaging Amendments. Moreover, some proponents insist that if the Amendments are not stricken, they are prepared to defeat the Conference Report on the separate Department of Education legislation when it is finally considered by Congress.

Needless to say, among those crucial reasons for my vote against final passage of H. R. 2444 was my belief that we cannot rely on the

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Conference Committee activities to eliminate the devastating anti-affirmative action Amendments which are contained in the bill. It is the business of House Conferees to work in the Conference Committee for the acceptance of House-approved Amendments. Therefore, those of us who oppose the anti-affirmative action Amendments cannot leave to the uncertainty of a Conference those decisions over whether the bad provisions remain in H. R. 2444.

I believe that the eloquent words of Representative Shirley Chisholm on the Floor of the House during the critical hours before final passage of H. R. 2444 summarize perfectly the feelings of those of us who opposed H. R. 2444 in its final passage:

"...If deep down in our guts we recognize that the espousal of equalitarian principles in education for the children of this country is important, we cannot in good conscience stand here today and vote for a bill that has integrated into it all of these anti-civil rights Amendments and then vote for the bill under the presumption that when we go to Conference perhaps said Amendments will be removed in Conference..."

My total agreement with Congresswoman Chisholm was reflected in my vote against final passage of the bill. Should the Conference Report on H. R. 2444 contain these poisonous anti-civil rights Amendments, I am prepared to help defeat its passage on the Floor of the House.