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The Facts Of The Chicago Federal Aid Controversy

The controversy over federal funds for the Chicago school system has now assumed national significance as anti-federal aid forces have joined with Superintendent Willis in a gross distortion of the facts and in an unprincipled attack upon Commissioner Keppel. This campaign poses a threat to the basic objectives of President Johnson's entire program of federal aid for the education of children of low income families. Ironically, the distortion and concealment of the true depth of the danger to the program has been aided by the very fact that in the space of a few weeks, the activities of Superintendent Willis posed issued involving two different laws and three separate areas of challenge to those laws: (1) His administration has for some time been under investigation by the Department of Health, Education and Welfare on charges of violation of the Civil Rights Act of 1964 by reason of policies of de facto and de jure segregation. (2) In mid-September he announced his refusal to cooperate in the national educational opportunities survey and testing program being conducted pursuant to the Civil Rights Act of 1964 by the Office of Education, and, in his statements in support of his action, joined in a demagogic attack upon isolated questions in a survey designed for the Office of Education by some of the nation's most outstanding and respected educational experts. (3) He made application for federal funds under Title I of the Elementary and Secondary Education Act of 1965 which provides for such aid for low income areas, but supported his application with an announced program which on its face raises serious questions as to whether it complies with the requirements of that Act. It was this application which set off the highly publicized series of events whose significance is now being warped by groups anxious to defeat the program itself.

Under the terms of the Elementary and Secondary Education Act of 1965, applications for federal funds are channeled through the State Department of Education. This brought into the picture, as an ally of Willis, State Superintendent of Schools Ray Page, an elected Republican officeholder long active in the partisan politics of the attacks upon federal aid to education.

The express provisions of Title I of the Elementary and Secondary Education Act providing for financial assistance "for the education of children of low income families" require the State agency to determine in connection with any application, that certain basic requirements will be met, including, just as one example, a requirement that:

...the funds will be used for programs "which are designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families."

The State agency is required to make these determinations "consistent with such basic criteria as the Commissioner (of the U. S. Office of Education) shall require," and the State agency is required to provide "satisfactory assurance" that the funds will be used for programs which meet the requirements of the statute. The U. S. Commissioner of Education is to approve an application "which meets the requirements" of the statute, and "shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State Department of Education."

Obviously these requirements were designed, and were essential, to prevent the Act from merely establishing a pork barrel for reckless waste of federal funds and to assure that the funds would be applied to the specific areas of the need which the Act was designed to meet. Equally obvious, it is the Commissioner's duty to act responsibly to make sure, before approving an application, that the requirements of the Act were met.

In the program promulgated by Superintendent Willis in support of his application, two of the three areas of major expenditures for "saturation" programs were to be the Senn and South Shore districts, both quite well known to be areas characterized by anything but the "high concentration of children from low income families" required by the Act. The 1960 median family income data for the census tracts in the South Shore school district showed one tract with a median figure of \$5513 and all the rest with median figures from \$6900 upward. The Senn district showed one tract with a median figure of \$4648, four in the \$5000 - \$6000 range and the remaining 21 with median figures ranging from \$6500 upward. The Senn district is distinguished, among other things, for the fact that it happens to be the area of residence of both Superintendent Willis and the President of the Chicago Board of Education.

This does not purport to state the full scope of questions raised by Superintendent Willis' proposed program. Knowledgeable educators reviewing the proposal have found many portions in which data presented is so incomplete or incomprehensible as to preclude any meaningful determination of the questions with respect to which it was State Superintendent Page's obligation to determine compliance and Commissioner Keppel's duty to receive "satisfactory assurance" of such compliance. There are other items as to which the program does not, at least on the data presented, meet the requirements. All of this is apart from and in addition to the fact that the Civil Rights Act of 1964 prohibits the payment of federal aid funds in school systems guilty of racial segregation or discrimination.

Under these circumstances, Commissioner Keppel should be commended for his courage and integrity in insisting on making further inquiry before deciding upon Superintendent Willis' application. It should be noted that he did not disapprove the application. He did not, in the words of statute, "finally disapprove" anything, an action which would have required notice and hearing. He simply deferred action pending further investigation. It is typical of Superintendent Willis' personal arrogance that he chose to denounce this action as "despotic" and "illegal", as if it were Commissioner Keppel's duty to approve any Willis request without inquiry -- an expectation which Willis has quite regularly evidenced in his relations with his own Board of Education.

It is quite probable that if the Commissioner had merely rubber stamped without question the papers placed before him, eventually the same anti-federal aid forces now attacking him would have been pointing to the use of funds in the plush Senn and South Shore districts as evidence of reckless federal spending of money supposed to be used for the underprivileged.

Moreover, complete vindication of Commissioner Keppel's concern is revealed in the aftermath of the agreement reached between the Office of Education and the Chairman of the Chicago Board of Education for release of the funds. Superintendent Willis is now suggesting that his choice of districts receive the funds was only "tentative" and that he is now reviewing census and other official records to see which districts actually have the highest concentration of eligible children. In addition now, for the first time, Superintendent Page's office confirms that they are still awaiting a "final" proposal from Superintendent Willis, that the proposal originally made will probably have to be revised to comply with the Act, that Superintendent Willis never had, even from the State office, anything more than a review of the "general format" of the plan, and that as of almost a week after Washington's release of the funds he still had not submitted a proposal containing the information necessary to permit approval under the Act.

Moreover, it is significant that while Willis and his allies continue to make public profession of total ignorance as to the basis for the original delay, in the agreement with the Department of Health, Education and Welfare pursuant to which the President of the Board of Education procured release of the funds the Board specifically committed itself (1) to take certain steps with respect to its notoriously discriminatory Washburne Trade School and (2) to appoint a special Board Committee to review other specifics of the charges under the Civil Rights Act -- a step which the Board has never previously taken even though the same charges were presented directly to the Board by the city's civil rights groups. Apparently the Board is fairly well aware of what the issues are even if Superintendent Willis is not.

In his intemperate attack upon the Commissioner when immediate approval was not forthcoming, Superintendent Willis rallied to his cause long standing foes of the entire federal aid program in and out of Congress. A studied campaign of threats of Congressional investigation and demands for scapegoats is now being built up, with the clear long range objective of impeding any effort by the responsible federal agencies to continue to insist, in any part of the country, that the requirements of the Civil Rights Act of 1964 and the Elementary and Secondary Education Act of 1965 be complied with in the dispensation of federal aid funds. If a dedicated public official is to be pilloried in a first elementary effort to give the requirements some meaning in a Northern city, then those who were opposed to the basic objectives of both statutes from the start will have succeeded in nullifying President Johnson's objectives by forcing the delivery of federal funds merely on the directive of local or state political figures opposed to the aims of the program, and without meaningful examination to assure use of the funds in the manner and for the purposes which Congress and the President intended. It is particularly tragic and ironic that such supposed "friends" of President Johnson as Mayor Daley and some members of the Illinois Congressional delegation have allowed Superintendent Willis to lead them into joining in this knifing of the program of their own party.

Finally, in Chicago, the efforts of Superintendent Willis and his allies to generate this diversionary attack upon Commissioner Keppel, and upon President Johnson's legislative program, should not becloud the fact that the basic controversies generated by the Willis policies remain as challenges to the Chicago Board of Education and to Mayor Daley: (1) the Board and its newly agreed-upon committee will have to prove their good faith intention and action to remedy the discrimination and segregation which place in question Chicago's compliance with the Civil Rights Act of 1964. (2) the Board has yet to decide whether it will support Willis in his determination to bar from Chicago's schools even the limited sample testing program which he presumably fears may expose the inadequacies of the system he administers and (3) the final program, which Superintendent Willis has yet to produce in support of his application under the Elementary and Secondary Education Act of 1965, will still have to be subjected to scrutiny to determine whether he has made the changes and supplied the additional information necessary to bring his highly questionable original proposals into line with the requirements of the law under which he is seeking the funds.