EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH WILLIAM TAYLOR

February 20, 2007
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Interviewer
Stephen F. Knott

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TRANSCRIPT

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Knott: —particularly about education, is that right?

Taylor: Well, I realized, after we talked the first time, that it was all focused on civil rights, which is a logical thing to do. But most of my work with Kennedy—not all, I told you about various nominations and so on—but most of the work has been on education reform. To me, that's an extremely significant chapter in his career. We shouldn't let that go.

Knott: Where should we start?

Taylor: I could start it, and then I hope you'll have some questions, because I don't want to make a speech on all this.

Well, first of all, I think that Kennedy, I have discovered, is very devoted to education for kids. The evidence of this—and I'm bad on years; I need to get Ralph Neas in here to do the years for me—but when the Democrats retook control of the Senate—what was that, in the late '80s, I guess?

Knott: They won the elections in '86.

Taylor: Yes, that's what I thought it was. Kennedy had his choice of becoming chair of the Judiciary Committee or the Education Committee, and he chose the Education Committee. And some people were quite surprised because he had been so involved in issues, including nominations, with the Judiciary Committee. But it wasn't a total surprise, because I think his heart was in the education issues.

I got involved with reform in '87 or so, or '88, after the [Robert] Bork nomination, in working on federal education reform with a group of people who were mostly educators and education-policy people, who were very interested in changing the federal law on education from what it was when it had been established as the Elementary and Secondary Education Act of 1965 to something that would address the needs of the time a lot better. The concern that people had was—they asked me to serve as their counsel in trying to put together a report—and the concern was that while Title I had done some real good, it had evolved into a two-tier system, where the low-income kids were just expected to learn the basics, whereas middle class and affluent kids were expected to master an increasingly complex society and acquire higher order skills. As a

group, we decided that we would try to write a statute rather than just writing a report, and we spent two years, a group of 30 people, trying to agree on the language. So it took a lot of work, but we finally did come out with a report.

We finished not long before the [William] Clinton administration came into office. We submitted our report to the Clinton administration. A guy by the name of Marshall Smith was one of our members, and he became Under Secretary of the Department of Education. The Clinton administration basically adopted what we had to say in this report, and Kennedy became the chief sponsor of this in the Senate. I'm sure he had been previously working with earlier efforts at school reform. I think Massachusetts was already involved in those kinds of efforts.

But he embraced the basic principles of the report, which included the notion that all kids could learn, and all but the most severely cognitively impaired could learn at high levels, and that, accordingly, there ought to be high standards for all kids. And if all kids could learn, then school systems and teachers ought to be held accountable for their progress. He became the chief advocate in the United States Senate for that kind of legislation. The Republicans were, by and large, not very supportive. Some of them were into the notion that the Department of Education was useless and should be abolished.

Knott: Right.

Taylor: Some of them were into the notion that Title I should be a block grant-type program as it had been under [Ronald] Reagan. Let the states do what they choose; it had only recently been moved back to a program that had categorical-type grants. The Republicans were interested in waivers.

Anyway, Kennedy saw an opportunity, and he rallied the Democrats, and he got it to where he flew under the radar. I mean, there were battles, but they were not—

Knott: Battles within the Democratic—

Taylor: Well, battles, to some degree, within the Democratic Party. The battles in the Democratic Party got more heated later on, because the first several years—this was passed in 1994, called the Improving America's Schools Act. Of course, [Newton] Gingrich and the Republicans came in in the House in 1994, and so immediately the act was in some trouble. There was a gear-up period where states were given time to adopt new accountability plans and new assessment tools, so the law was bound to go slowly in any event. And then after the political setbacks, all of a sudden Clinton was talking about things like school uniforms and school curfews and things that really weren't important at all. So things really moved slowly.

And then of course, in 2001, in came George [W.] Bush. And surprisingly to some, he really fully embraced the idea of education reform. And he offered a new bill under a pirated title: No Child Left Behind. That title had once belonged to Marian Edelman.

Knott: Oh, is that right?

Taylor: Yes. That was the model for the Children's Defense Fund. No Child Left Behind. About 75 percent of the Bush bill, I would say, was the Clinton bill that Kennedy had put through. But there were tougher provisions, including a requirement that school districts and schools make adequate yearly progress and that all children reach proficiency by the year 2014. Also, and this was a big one, that the results for each school be disaggregated, and each separate subgroup had to make progress or the school wasn't there. So poor kids had to make progress; African American kids had to make progress; other kids of color had to make progress; English-language learners had to make progress; and kids with disabilities had to make progress. That really made the law a lot more rigorous. I don't remember the numbers, but the visibility level was raised this time around, and it could no longer be considered under the radar.

Some Democrats were concerned, because over the years they had simply responded to calls by the education groups to raise resources: NEA [National Education Association], the American Federation of Teachers, the State Legislators, the National Association of School Boards, and so on. And now they were being told—they didn't really fix on this the first time—now they were being told, "It's not enough to raise resources. You've got to start producing results. You've got to be held accountable for results." These were people who were generally strong supporters of Ted Kennedy, as well as other Democrats, and he stood up to them. He said, "We've got to do something more than just put money into this situation."

Knott: Did he believe in these kinds of results, tests, or was this something he was doing to satisfy a certain part of the coalition that was backing it?

Taylor: Oh, no. I think, increasingly he saw that. I mean, I don't know who all of the influences were in Massachusetts, but Massachusetts was progressive on this score. I've met some of these people since then: the state superintendent who is stepping down, [David] Driscoll, and others. Kennedy had on his staff a woman named Ellen Guiney.

Knott: Oh, yes.

Taylor: You know Ellen?

Knott: Sure, yes.

Taylor: She was, in general, a positive influence, although she wasn't nearly as gutsy as he was in pursuing the objectives.

So I think it wasn't satisfying a constituency. He became convinced that this was the only way to go if we were going to do something about the situation involving the public schools in the country. We had several conversations over that period, but I don't recall ever feeling that I had to convince him of any of this, because I think he was convinced. He turned out to be very strong on this. When the bill passed, some of these groups just flat out opposed it, and they have been opposing it ever since then.

I happened to be in George Miller's office when the bill passed finally, and he got a call from the NEA saying the NEA was not going to support the bill; it was going to oppose it. I have the

greatest admiration for him too because he stood up on the issues. Kennedy has stayed strong. In my judgment, he's been strong on this bill. It is one of the things that people don't realize, in part because there's been a lot of discussion about money since then.

Knott: Right.

Taylor: He and George Miller went to work on President Bush after the bill was passed, and they got him to commit to a very large increase in spending in the appropriation that year. In fact the appropriation, I was told—I haven't done the math, but I'm sure this is right—the appropriation increase in 2001 from 2000 was greater than the cumulative increase from 1965 to the year before. So he really pushed hard. Now, since then, we haven't had any significant increase, and the resource question has been a question.

Paul Wellstone, who I knew well and who was on that committee, had doubts about this legislation and had doubts about testing. Paul, I discovered, was dyslexic as a child and had had troubles in school and so on. But he never persuaded Kennedy that he should back off. He did help sensitize him to the need for accommodations for kids with disabilities. After Paul was killed in that plane crash, some people took up his cause. Dick Durbin, who is another Senator I have great admiration for, took the position and offered an amendment that said we shouldn't enforce this law, with the tough provisions of accountability, until we give states and localities enough money.

I remember I was eating lunch in a restaurant one day, and I got this call from Senator Kennedy, who said, "This is what Durbin is doing; he's on the floor right now, and what can you do about it?" I tried, and I've talked to Durbin since then, but there was no persuading him. Kennedy was convinced of the importance of this position and the rightness of this position, that even when people he worked with closely, like Dick Durbin, were leaning on him, that he stuck with it. That's sort of a capsule picture of all of these years. And he still is at it—I mean, he's about to go into the fray again.

Knott: What's coming up there?

Taylor: The bill is due for reauthorization. It's a five-year authorization, beginning at the end of 2001, beginning of 2002, so it's up for reauthorization again, and he's getting ready to work on that.

Knott: We've heard reports that he's felt that he was misled by the White House, deceived in terms of the funding for No Child Left Behind. Could you talk a little bit about that?

Taylor: I wasn't in the room, so I don't know. I would suppose what he's talking about is a feeling that this was not just going to be a one-year, big jumpstart, but that it was going to continue. I think he has been very disappointed that there hasn't been a continuation. And to some degree, states have slacked off themselves because they've had fiscal problems of one kind or another. We have never been able to get the provisions that say the states must treat all their own citizens equitably and that they can't use a property-tax system which results in huge gains

and disparities between suburban systems and—so I would suppose he's talking about what his expectations were on those.

At the same time, I would tell you—and I think he agrees with this, but I haven't talked with him about it—that the notion—I mean, the Democrats, with some Republican support in 2001, significantly raised the authorization for appropriations. And since then, some Democrats have been talking about an eight, ten, $15 billion gap between what's authorized and what's actually appropriated. Well, there often is a real difference, as you probably know, between authorizations and appropriations. Chris Dodd, who I like and who's been on that committee, has been saying over the years that full funding of Title I means that there should be an appropriation for every disadvantaged child.

Well, the fact of the matter is that I was asked by Gus [Augustus] Hawkins, back in 1991, to do a study for him. We looked at wealthy districts and poor districts, and the wealthy districts could fund all of the needs of the poor children in the district without going to the Federal Government, because they had enough funds, whereas poor districts couldn't. I don't think you measure Title I needs by whether every child gets federal money, because a lot of children are in circumstances where federal funding is not required to help meet their educational needs. So it's a little tricky to talk about that.

On the other hand, one of the provisions of the bill that Kennedy got through in 1994 was something that we had suggested, that I must say I didn't necessarily expect would be passed, and that was the formula—there's a general formula, and there's a needs-based formula—and he was able to get through a provision that based the funding on concentrations of poverty, because all the research says that the kids who are in the worst educational situation are those who go to school in an atmosphere of concentrated poverty. And that year he got the big increase, places like Los Angeles got a 30- to 35-percent increase in their funding, and Chicago and New York got 25-percent increases. I'm sure he felt, and I feel, that if we could keep that up it would be great, because the formula hadn't kicked in before.

Tom Harkin, another fine Senator, headed the Appropriations Committee, but he comes from a rural area, so a concentrated poverty formula didn't do him much good. Rural poverty was spread out, so he wasn't anxious to get that funded. But it eventually did get funded, and Kennedy was the man who got it.

Lindskog: One of the other criticisms—and No Child Left Behind is joined with the Prescription Drug bill—is that reaching out and getting a joint bill with the Bush administration somehow weakens the Democrats' ability to get a more comprehensive package?

Taylor: More comprehensive package of what?

Lindskog: Well, you said yourself, 75 percent of the Clinton package, as opposed to 100 percent of more comprehensive prescription—I know we're jumping.

Taylor: What I'm saying is that 75 percent of the No Child Left Behind bill was contained in what Congress had already passed. I'm not saying that I disagree with the other 25 percent that

was added. In fact I think the legislation was made more rigorous. Now, there were things that I disagreed with, for whatever that's worth. I didn't think you should be testing kids in every grade from three to eight, because I think that helped give rise to the charge of too much testing.

Now, dare I say it, the current administration has asked me to be on a peer-review committee to review something called "growth models," where you look not at the third grade this year and the third grade next year, but you look at individual kids, longitudinal data, to see whether they're on a path to making progress. So I didn't agree with the Bush bill, but I think, for better or for worse, it put more rigor into the law and made it more effective. And this Secretary of Education wants to see the law enforced. For people who are my friends, who give me a hard time about Bush, I remind them that even a stopped clock is right twice a day.

Anyway, I don't think Kennedy gave up anything. Maybe everybody gives up a little something. But for better or for worse, Bush was on Kennedy's side on this. He came in, and it would be an interesting question for somebody to figure out what it was. I mean, there was a reform movement in Texas. Ann Richards was a part of it, and Lord save us, Ross Perot wanted kids not to be able to play athletics unless they performed in school. So I think Bush came conditioned to seek change, and I think he has been largely right on this issue, which doesn't mean I think well of the President at all.

Knott: Do you think Kennedy sees this whole question of education and education equality, for lack of a better word, that this is another civil rights issue?

Taylor: I think he has come to see it that way. I've come to see it that way. People are now saying—and some of us were saying this a little while ago—that it's really the civil rights goal of the new century. It's not the only civil rights goal, and I respect those who say, "Well, here are these kids who are facing terrible circumstances and maybe family circumstances—a lack of social services, communities where there are no jobs—but the institution that the Government has the most control over is the public schools, and it's the value-bearing institution in our society, next to the family, and that's the place where we can make some progress." I think we've seen some progress. I think he, for whatever reasons—you asked me about them and got a very unsatisfactory explanation from me last time—I think he sees it too. What it is in his own background, I don't know. Did you get a better answer from some other people on this, do you think?

Knott: No. We haven't had a better interview since the one we had with you.

Taylor: I wasn't fishing. I'm just puzzling about this. So that's essentially what I wanted to make sure that we got on the record.

Knott: Did he take some flack for not staying as the chair of the Judiciary Committee and instead moving to the—?

Taylor: I think some people probably were talking, but the Senate or the Senator is something you don't necessarily find out about, since this was all hidden away for so many years. I mean, there were people who weren't thrilled to see Joe Biden take over this responsibility, but

Kennedy couldn't do both, and I really do think he made the right choice. He's been able to work with these guys who are conservative guys. He was able to work with Judd Gregg, as the Republican on the committee. He's able now, apparently, to be able to work with Mike Enzi on the committee. It's been, I think, a pretty good thing. And then he had Orrin Hatch, whichever committee he was on. Orrin Hatch was on both committees.

Knott: Right. I mean, education seems to have the benefit of being an issue that conservatives can embrace.

Taylor: To some degree.

Knott: To some degree. The federal role, I understand, they have some problems with at times.

Taylor: I think, in a way, we're fortunate, because I think a lot of people have been ready to give up on the public schools. And there's this whole conservative movement for vouchers, which has not gone anyplace, I'm convinced, because people who live in affluent suburbs have their own private schools, except they're called public schools. They're amply funded because property values are high and so on. So you haven't been able to get a mass movement, and every time it's gotten on the ballot someplace, it's been defeated.

But I guess that the part about school reform that appeals to some Republicans is the notion of responsibility and accountability, and that these public school teachers and others ought to be held accountable for results, just like folks in business—although we always float businesses a big loan when they get in trouble. So I think it's that, more than anything else, that appeals to some. I mean, there are guys like Mike Castle in the House, the former Governor of Delaware, who has done, I think, a nice job in promoting school reform. So there are some, but it's a mixed bag these days. I don't know what's going to happen this year. I think Kennedy's gone into the year thinking—and you'll talk to him about this rather than me—that he's going to push hard again for some commitments from the administration to put some money into the Act. I wish him luck.

I was invited to the White House when the President was giving his State of the Union message, because I'm now okay on this issue with Republicans. I didn't want to go because I had to go in for a hospital procedure the following day, but they said it was going to be a small conversation, so I went. Anyway, I went in and they did only have a few people there. They gave us a little briefing, and the first guy, who I knew, who is now in the White House and had been at the Department, said, "You're really going to like this, Bill," turning to me and making it personal, "because we're putting more money in the bill." I said, "It depends on how much more money you're putting in the bill. We're expecting a real surge."

Knott: A surge?

Taylor: Yes, which cracked them up, but they're not putting much more into it. They're not proposing to put more. I'm hoping Kennedy can squeeze them, but I think he's got a tough, strategic decision; the strategic decision being, if you negotiate too long on this thing, then the opportunity to do it this year will probably disappear. Next year's a Presidential year, and I

would fear a loss of momentum. But if I had to name that one guy who would figure out what the proper balance is, it would be Ted Kennedy.

Lindskog: You made a point about drawing the causal direction towards the difficulties in the American educational system: class and race impacting education. Do you think Senator Kennedy viewed education as another path to actually correct some of those larger societal inequalities and those other civil rights—?

Taylor: Oh, I think he does. I mean, I've never really had that lengthy conversation with him, but he's always been supportive of desegregation, of giving minority children an opportunity to learn in settings that are more favorable to their learning. Yes, I'm confident that's the way he sees it.

Knott: Do you know if he has a good working relationship with this current Secretary of Education?

Taylor: Well, that's an interesting question. I *think* he does, but I've never had the occasion to ask him about it or to ask her about it. What I'm impressed with is she has some spirit. I think she's ready to take some enforcement steps, which even Democrats haven't been so willing to do, unless you go far back.

I'll have to say, she has not been good on other issues. I tried to persuade her, because I'll try anything, that the Government should have come into these two cases that the Supreme Court accepted, in Louisville and Seattle, and supported the school districts in their diversity plans. I think she couldn't. I do know she talked about it with some folks, but in the end, I think the White House view prevailed, and they supported the parents who were challenging these diversity plans. The Government has these programs called "magnet school" programs, in which the school district that applies has to demonstrate that it's going to reduce racial isolation. And the Government argued, with a straight face, the Solicitor General did, that they could work to reduce racial isolation without taking race into account—neat trick.

But that would be a good question for him. I think he tends to give people the benefit of the doubt if they show that they share some of his values. There are some people who make it clear that they don't share any of his values, so then he takes a different view about it. So I'd only be guessing. But you guys, you're in a great position. You can find out the answers to all these questions.

Knott: We'll ask him. Well, great. Thanks. Is there anything else you wanted to add to this?

Taylor: Oh, I don't know. I'm beginning to feel like Columbo. After you leave, I'll say, "Oh, one more thing."

Knott: When you get your transcript, you can add anything. You can just write it right in.

Taylor: I just felt this one thing.

Knott: No, I'm glad you contacted us about this. We don't like to leave any stone unturned.

Taylor: Yes, and I really think this is a significant chapter of his career, and other people, I think, will talk about it. You ought to talk to George Miller. Have you talked to George Miller?

Knott: We have not, no.

Taylor: Well, you really should talk with him.

Knott: Okay.

Taylor: Because my bet is, he'll provide pertinent detail, and he will have, I think, the same general thoughts that I have.

Knott: That's good to know. Okay. Well, thank you very much.