EDWARD M. KENNEDY ORAL HISTORY PROJECT

INTERVIEW WITH JOHN F. JENNINGS

May 21, 2008
Washington, D.C.

Interviewer

Janet Heininger

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TRANSCRIPT

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Heininger: This is an interview with Jack Jennings, on May 21, 2008, in Washington, D.C.

Jennings: My first memory of Ted Kennedy is from early December, 1967. I had just finished law school and had been sworn into the Illinois Bar at the end of November. On December 1, I took over as staff director to the Elementary and Secondary Education Subcommittee in the House. This is all related to Adam Clayton Powell and to Carl Perkins and to all the changes that occurred on the Education Committee. The chairman of my subcommittee was Roman Pucinski, from Chicago. He brought me into two House-Senate conference committees at the time. It was the end of the session in '67, and this was the first year of reaction to [Lyndon] Johnson's Great Society programs.

There were two concurrent conferences. One was for the Elementary and Secondary Education Act extension, and the other was for the War on Poverty. In both conferences, the controversy was how to cut back on the Great Society programs, because the House had become more conservative, and it had adopted amendments to block-grant programs in education and to give money from the Federal Government to the mayors in the poverty program. At the time, these conference committees were closed-door meetings. They weren't open. So there I was, 24 years old, and I was brought into a closed-door conference committee meeting in the Capitol my first days on the job.

The conference committee was composed of members of the Senate Education Committee and the House Education Committee. It was Jake [Jacob] Javits and the Senator from Texas, who was chairman of the committee at the time, Ralph Yarborough. Bobby Kennedy and Teddy Kennedy were also on the committee, as were Edith Green, Hugh Carey, John Brademas, and all these people I had read about for years, because I was interested in politics as a young man. So there I was, sitting among 20, 30 people in a closed-door meeting in the Capitol while they argued about the block grant in education. Then they turned the next day to arguing about the mayoral control amendment and the poverty program. It was fascinating.

I remember Bobby Kennedy coming in on a Saturday morning to one of the meetings. He came in dramatically from the shuttle from New York, and he had a coat over his shoulders, and he was followed by his dog, and he walked into a conference committee.

Heininger: The Kennedys and their dogs.

Jennings: Teddy Kennedy was active in the education part. He was on both conference

committees. I remember him on the education part because I was watching him and his brother, and Ted Kennedy was very inarticulate and very bumbling. He was defending a bilingual education program, and in a way, his argument was, "I'm interested in this. This is the right thing to do, and we should do it," without much substance to it, and it was said in a rather incoherent way. I thought, *This man is not a very good legislator.*

But I've watched Kennedy over the years, and currently I think he is, if not the most effective, then nearly the most effective Senator. He's certainly the most effective liberal Senator. He knows how to work the system and how to get something done. He's changed from the first time I saw him in '67 to the current day. He has a passion for legislating, and he will not give up on the immigration bill or even on the No Child Left Behind bill today. He's the last one trying to get it renewed, when everybody's saying that it's dead for the year and it's not going anywhere. He also has the capacity now to reach across the party lines, which, as you know, has become increasing difficult in Washington. So he's a changed person, and he's an extremely effective legislator. It has been interesting to watch him. I've watched him since '67, so that's more than 40 years.

Heininger: When did you start to see the changes in him?

Jennings: I'd say it was within the last 20 years. I don't have an exact method of tracking, but I would say that it was after he lost to Jimmy Carter. The transformation probably occurred in the 1980s, especially when the Senate went Republican. At the time, in the early 1980s, as you remember, [Ronald] Reagan was supreme, but the House was nominally Democratic. It was a conservative coalition that controlled the floor, southern Democrats and Republicans. The Senate went Republican outright, so it was easier for them to pass things in the Senate.

I think that Kennedy changed in the '80s. I seem to remember that at the end of the '80s and into the 1990s, certainly, he became increasingly more effective and more focused. He has not only a ferocious energy but also a wide scope of interests. Sometimes Senators will work just on their principal committee or on one or two favored areas. Kennedy's scope is broad—from immigration to health to labor legislation. He's even on the Armed Services Committee. So he has a ferocious interest. Ironically I think his intensity of effort has become stronger as he has grown older. Maybe he's trying to make a record or to make up for prior experiences in life. He has become more dedicated and more effective, I think, as the years have gone on—certainly in the 1990s and in the early part of this century. It has been quite a transformation.

Heininger: In the early '80s, when Reagan was trying to move everything into block grants, what was Kennedy's role on education issues?

Jennings: I don't remember exactly. It was, for Democrats—and I'm a Democrat—a nasty time, because with [David] Stockman as Director of the Budget, the Republicans figured out how to use reconciliation in the budget process in order to impose their will. There were three key votes. One was on reconciliation itself, then an implementation bill, and a tax bill. The votes were on the floor. They weren't in the committees. There were preliminary votes in the committees, but they didn't count. With the conservatives controlling the House and the Senate, they prevailed. And they prevailed with reconciliation in such a way that they gave orders to committees to cut programs. It was a broad-scope cut in the House.

I was working for Carl Perkins at the time, and we had closed-door Democratic caucuses, and at most of those meetings, I was the only staff person there. There were all the Democrats and myself, because Perkins wanted me there to help craft the reconciliation bill. The Democrats went through hell. In the House, in our jurisdiction, we had to cut the spending ceilings by 35 percent. So we had to go into Head Start, into Title I, and into the disabled education program and cut the maximum appropriations by a cumulative total of 35 percent. That was our instruction from the reconciliation bill. So the Democrats were in an awful situation. They were choosing whether to cut Head Start by 25 percent, but then having to cut student aid for college students by 35, 40 percent to make up for not cutting Head Start enough. It was a very defensive type of situation.

I don't remember Kennedy being very much in the lead in the Senate, because there was almost nothing they could do. The votes were against the Democrats. Into the middle/end of the 1980s, I remember Kennedy being much more assertive on education bills, on health bills, and on other bills. Then into the 1990s, he became much more masterful.

Heininger: When the Democrats took back the Senate in '86, he regained his chairmanship.

Jennings: Correct.

Heininger: But it's gone back and forth since then.

Jennings: Right.

Heininger: As you've watched him, how effective is he when Republicans are in control versus when Democrats are in control?

Jennings: It partially depends on how many votes they need for cloture, as you well know. I changed. I'm a partisan Democrat, but having worked on the House side from 1967 to 1994, I came to understand that you couldn't just be partisan. You have to reach out to the other side, even though in the House we generally had more votes than the Senate did. We were generally more Democratic than the Senate.

I gradually developed a technique in the 1970s—probably beginning in 1971, '72, when I saw what was happening with [Richard] Nixon—of not having any staff meetings unless Democrats and Republicans were together in them. We would construct education bills from the ground up, in the sense that we would hold our early briefing sessions together, then bring in experts together and talk to them in closed meetings together as Democrats and Republicans. We would then start to write a bill from there. I learned over time that that meant that your legislation sustained attack, because the political tides shift.

I think Kennedy learned the same lesson, because he clearly is a partisan liberal, but with the Senate flipping back and forth more easily than the House, and with cloture, I think he learned that you have to cooperate with the other side, and you have to find as many friends as you can. Claiborne Pell, one of his friends, was an example of that too. Claiborne Pell was chair of the Education Subcommittee for many years, with Bob Stafford, a Republican from Vermont. Pell would call it the Pell-Stafford Committee when he was chairman. And Stafford would call it the Stafford-Pell Committee when he was chairman, and they would trade back and forth. I think

Kennedy tried to do the same thing. Whoever was in the minority, such as [Orrin] Hatch, and also when Hatch became chairman in 1981, I think Kennedy tried to work with him, even though they're very different.

I've met Kennedy a number of times in the last couple years, but it's been on issues related to legislation. I've never sat down and asked him to explain his innermost thoughts, but I presume that he has learned over time that it's far better to work with the other side, and that if you find enough issues and you're honest about the issues and about the politics, you can build trust. Of course his relationship with Hatch is a prime example of that. You couldn't find two more diametrically opposed philosophies. Hatch has taken grief for palling around with Kennedy, as has [John] McCain and others. But Kennedy has a knack for it. He'll reach across lines and work with other people. Now, he gets rebuffed sometimes. But Carl Perkins could do that too. He would always try to work with the Republicans, and I've learned from Perkins that even when you don't need them, you have to respect the other side.

I think that was lost in the House and Senate in the 1990s. I think [Newton] Gingrich poisoned the atmosphere. It seemed to me that the minority, whether it was Democrats or Republicans, had two options. One was to cooperate with the majority and get something but not everything. The other was to become intransigent and hope for a better day. The Republicans in the House frequently would work with the Democrats, if they were open enough to them. But Gingrich closed that door and made everybody opposed to one another, and he poisoned the atmosphere. It's become much more difficult at the staff level too. People won't talk to one another the way they used to, and it's a very poor way to govern. It means you'll jerk up and down in terms of policy. At least that's the lesson I've learned.

I think Kennedy has learned the same thing. That's one reason why he will not stop and wait for another election when it comes to legislation. He will continue until the last day of a legislative session to try to pass bills, and he won't believe the line of, "We'll have a few more votes in the next election," or "We'll have a President who's more cooperative in the next election." You never know. Sometimes you do; sometimes you don't. But Kennedy, I think, tries to take advantage of the day and get what he can in terms of policy. Then if you have a better day, you can revisit an issue later.

Heininger: You talked about the first conference committee you were in with him, where he was quite inarticulate. Have you found that he has changed through the years?

Jennings: He's more articulate. I don't think he's an orator. [*laughter*]

Heininger: Nor do I think he'd claim to be one.

Jennings: Right. But now his verbs agree with his subjects.

Heininger: Sometimes!

Jennings: He's certainly a much better orator than our current President. [*laughter*] Kennedy's oratory is better, but he has a drive and a concentration and a willingness to work with Republicans and to never give up. Those are his outstanding characteristics.

Heininger: What's your sense about the staff he has used through the years?

Jennings: Kennedy attracts good staff. He has had very good staff, though not uniformly good. The House sometimes resents the Senate because of the institutional differences: for instance, 100 members compared to 435. There are fewer Senate staff members, and because of the broad duties of their bosses, they have more power in some instances than House staff members do. So there are differences between the House and the Senate. Sometimes Kennedy's staff was not liked by the House staff because people felt that they were too full of themselves. I don't know if that's unique to Kennedy. Maybe there's an extra edge there because he's Kennedy. I think it's just an institutional difference. But in general, Kennedy has had good staff. In the House, some were liked better than others. But in general, Kennedy did not have buffoons working for him. He had smart people.

Kennedy also—and I have to say, I think he acted on his principles—had female staff more often than other members did, and he had minority staff more than others. That took a special effort, I think, at the time. Generally he's had pretty good staff.

Heininger: Talk about the [George H.W.] Bush years. When Bush came in, he said he wanted to be the education President. What did Bush accomplish? What was the Senate trying to do? What was Kennedy trying to do? How does all of that lead into the [William] Clinton reforms?

Jennings: I think you have to look at this standards-based movement in three stages. One was a formative stage in the late 1980s, early 1990s, which involved the Charlottesville conference, the first Bush Presidency, and Clinton and [Richard] Riley as Governors. The second stage was when Clinton was President. Clinton brought about national legislation with Goals 2000 as well as with the elementary-secondary reauthorization, and he set the Federal Government firmly on the path of standards-based reform and, as importantly, moved the Democrats in favor of standards-based reform. The Democrats were not uniformly in favor of that. Many liberals were skeptical of testing and standards and so on. The third phase, I think, was between Clinton's legislation and [George W.] Bush's legislation, where Clinton's legislation was being implemented, but it was being implemented in a very uneven way among the states, and the Democrats and Republicans in Congress were unhappy that the schools weren't improving fast enough.

A couple years ago—we follow No Child Left Behind pretty carefully—we went up to the Hill and talked to a number of the Congressional sponsors of No Child Left Behind, as well as with staff members, both Democrats and Republicans, and we asked them, "Why did NCLB occur, and what were the reasons for it?" A number of the staffs, especially the Democrats, and especially Kennedy's staff, said that they were very frustrated between 1995 and 2000 that things weren't moving fast enough, and they were floating different reauthorizations, different bills, in order to increase requirements, in order to increase the speed with which the schools were being improved, and they were frustrated that they couldn't get anything through.

So when Bush came along in 2000 and proposed No Child Left Behind, it wasn't as if the whole thing came from Bush's brow. Bush was used to standards-based reform in Texas, which was created by Democratic Governors before he was Governor, and by Ross Perot, so it was the coin of the realm in Texas. This is what they did. Nobody questioned it much. In Washington, the

Democrats and Republicans had become used to standards-based reform, the Democrats more than the Republicans, because of Clinton and his legislation. Then Kennedy and the Democrats tried to change that legislation. The shift when Bush came in was that the Republicans, from 1995 to almost 2000, opposed Clinton's legislation because they opposed everything Clinton wanted. They kept trying to repeal, or defund, or block grant Clinton's standards-based legislation.

As soon as Bush, in 2001, announced this new No Child Left Behind, the Republicans turned on a dime and supported him. For instance, John Boehner, a couple of years before 2001, had cosponsored a bill written by [Charles] Scarborough, from Florida, who's now one of the radio commentators, which in effect would have gutted Clinton's standards-based reform, created a block grant, and turned the money over to the states. Yet when Bush came in, Boehner wrote Bush's No Child Left Behind bill. So the Republicans turned on a dime.

It was less of a transformation for the Democrats, because they had written Clinton's legislation in '94. Kennedy was integral to getting that legislation through, as were Bill Ford and the other Democrats in the House. Kennedy was used to that idea. Also with Kennedy, Massachusetts, in 1990 I believe, adopted a standards-based reform proposal for the state, and it substantially funded it. So Massachusetts, by 2000, had ten years of standards-based reform, and Kennedy was used to it as the coin of the realm in Massachusetts.

So when Bush came in, it wasn't as if he walked into the White House, walked out on the balcony, and proclaimed school reform. It wasn't as if everything came from him. It was more organic. It grew out of the 1980s, 1990s. It grew out of Texas, Massachusetts, North Carolina, Kentucky, these states that had been dealing with standards-based reform, and it grew out of Clinton's legislation. What is different with Bush's legislation is that the goal is much more precise—namely, all children have to be proficient by 2014. The penalties are much sharper if you don't achieve that goal, and the deadlines are much more stringent. Those are the three major differences from Clinton's legislation. So it ratcheted up the ante.

When we did these interviews, I asked the Democratic and Republican staff in the House and Senate, "What was the dynamic of the conference?" They said, "It was as if each side, Democrats and Republicans, were trying to outbid one another to make the requirements more stringent." The Democrats were concerned about poor black kids in the inner city. The Republicans wanted to make sure that the public schools, which they thought were rotten, would shape up. They wanted vouchers anyway, but if anything, they wanted to impose requirements on the public schools to do better. So the atmosphere was not "Let's work with the schools." The atmosphere was, "What requirements can we put on the schools to get them to be better?" Kennedy was part of that, as was his staff.

You have to remember the times. A number of Democrats thought that Bush was elected by the Supreme Court by one vote because of the Florida vote recount. Emotions were a little bit raw at the time, especially with Democrats. So when Bush came in and the first item was education, which is a traditionally Democratic issue, and he said that he wanted to work with Democrats on it and he had a meeting in Texas—I think it was before he was President; he invited George Miller and did not invite Kennedy—I think Kennedy thought, *Wait a minute. I'm going to be at that table. They're writing a bill.*

This is a transgression, but in the year or two before No Child Left Behind, if I remember correctly, Kennedy was challenged on education by [Joseph] Lieberman. Lieberman had a number of proposals with which he was trying to form a coalition in the Senate between conservative Republicans and Democrats in order to pass a bill, and Kennedy was looking over his shoulder at Lieberman. I don't know Kennedy's mind, but I would guess that when Bush came in and said that he wanted to work on education—number-one issue, first bill—when Kennedy saw that he was not invited to the Texas meeting and that there was a possibility that Bush could work with Lieberman and bypass him completely, I think Kennedy made extra efforts to make himself available to work with Bush. I don't know this. I'm surmising it. I don't know how that came about, but I would guess that there were some phone calls to the White House, or that Kennedy talked to some Republican Senators or something, and that suddenly Kennedy was being invited to meetings. I think Kennedy wanted an education bill. I think he wanted a more stringent education bill. But I think he wanted an education bill that *he* had helped write and not one that Lieberman had helped write.

Heininger: It is his committee, after all.

Jennings: Yes. So even though Kennedy wanted a bill and wanted a more stringent bill, he had the extra motivation to make sure that he was the one helping write the compromise and that it wouldn't be a bill written by Lieberman and the administration on the Senate floor. So that may have made him more willing to compromise and to move things along. There was an interesting coalition of Democrats and Republicans writing these bills.

As you know, the Senate's different. Bush did not propose a bill to Congress, unlike most Presidents. He proposed a speech, and he sent Congress a booklet and said, "This is my No Child Left Behind Act." Being generous to Bush, I presume that because the Texas Governorship is so weak and because the legislature controls everything, the Governor doesn't try to dominate the legislature, because he can't. Maybe Bush carried the same attitude to Washington and thought that he shouldn't send a bill. Being uncharitable, I'd say that he didn't want to do the hard work of figuring out how to write a bill, because after you write a bill and go from the lofty goal of all children having to be proficient, you then get down into the very hard details of how you will bring that about, and that takes a lot of time and a lot of thought. The administration passed on that.

It turned into a job for John Boehner in the House, and Boehner, as chairman of the Education Committee, worked a little bit with the Democrats, George Miller—a little bit. Not a great deal in the beginning when they were drafting the first bill, but more so toward the end. In the Senate, Judd Gregg, from New Hampshire, worked more closely with Kennedy, because the Senate was more used to bipartisanship because of the numbers and cloture and so on. So from the beginning, Kennedy, in 2001 I think, had more of a hand in writing the initial No Child Left Behind bill in the Senate than the Democrats did in the House. I think Kennedy kept that up in the Senate by supporting what was written, by convincing Democrats to support it, and by one thing and another. Kennedy was integral to getting that bill through.

[Richard] Gephardt, when he was running for President, said that he would not have voted for No Child Left Behind if he had known what was in it. I think Gephardt said—and it was quoted in the press—that he voted for it because Ted Kennedy told him it was a good bill. In the House,

Democratic Congressmen told George Miller that they voted for it because Kennedy told them it was a good bill and that they didn't understand what it meant. So Kennedy and Miller were integral to Bush getting a bill through.

Heininger: You talked about the frustration that some people were feeling with the slow progress that was being made on the Clinton reforms. If you look at it objectively, was that frustration warranted?

Jennings: Yes.

Heininger: So the schools were slow in implementing it?

Jennings: Well, it was principally a state responsibility at the time. It hadn't gotten down to the school level. Clinton's legislation had most of the elements of No Child Left Behind—namely, states had to have standards; they had to have testing programs; they had to disaggregate data by subgroups, such as by African American students or disabled students; and they had to put in place a system of identifying schools that weren't doing well. So it had most of the elements of No Child Left Behind. Riley will tell you this. Riley was Secretary at the time.

Clinton's legislation passed—well, there were two bills. One was the Goals 2000, which passed in 1994, and the other was the elementary-secondary education amendments that passed in the fall. I believe that bill passed in either late September or early October of 1994. The elementary-secondary amendments were crucial, because Goals 2000 was a freestanding, new grant program that said that if a state wanted to get money, it had to have standards. But the Elementary and Secondary Education Act reauthorization was, I believe, at the time, a $9 billion operating program. Once the requirements were attached to that operating program, states didn't have any choice. They had to do it. If they wanted to receive federal money, they couldn't turn down a $200,000 Goals 2000 grant and not do it. They had to do it to get the $9 billion. So the Elementary and Secondary Education Act was crucial to implementing the concepts, and that was enacted right before the election, and it was barely enacted. The conference committee was hung up. We finally got the bill out of conference committee, and then it passed. But then the Congress flipped in that election, and the Republicans took over. Gingrich was elected speaker, and the Republicans were feeling their oats—Contract with America and so on.

The task was given to Riley in 1995 to implement Goals 2000 and the elementary-secondary amendments that had passed at the end of '94. Riley had the job of telling the states, "If you want to get your Title I money or your $9 billion—" whatever it was— "you have to have standards. You have to have a state testing program. You have to disaggregate state test data," and so on. The states weren't used to this. The Federal Government hadn't asked them to do this before. Under our Constitution, the states have control over education, so they weren't pleased with the idea.

The Republicans in Congress were trying to repeal anything Clinton had done, so they were trying to repeal Goals 2000 or not fund it. They were trying to change the requirements of the Elementary and Secondary Education Act or cut back on the funding. They were telling Riley that he shouldn't implement the law. So Riley had the job of implementing a set of new federal requirements at a time when the states were resistant and the Congress was anti-reform. They

were against these ideas, because the Republicans had taken over and they didn't want the Federal Government much involved in education at all.

Heininger: Sending states a mixed signal.

Jennings: Yes, and making it very difficult to implement. Mike Cohen has shown how difficult it was, and after a while, I think the administration was trying to hold onto the concept of the requirements, and it was not pushing the states to comply with each of the provisions. It meant that the states weren't complying. So by 2000, in the five-year period from when these amendments passed, if I remember correctly, a third of the states were not in compliance at all, and maybe another third were partially in compliance. The concern was justifiable that if this was the right reform, the states weren't complying. But there were reasons for it, and life is life, and you have political opposition to one thing or another. The impatience was understandable, but the impatience was rooted in the novelty of the change and in the political change.

Heininger: Could there have been a solution other than what many have called the "heavy hammer" of No Child Left Behind?

Jennings: I don't think a different solution would have come from George Bush and his group. A different solution would have come from Kennedy and the Democrats. Now, I say that as a Democrat. The Republicans at the national level are frequently very critical of public schools, and they are in favor of vouchers for private schools.

I remember in the late 1990s and early 2000s period that I would deal with superintendents' groups and with teachers' groups because I would talk to them as an expert about what was happening. They would tell me that they would go to the Hill to lobby, and in the Republican offices, they either couldn't meet with the member of Congress or they were told by the staff that they were part of the problem, not part of the solution, and that they should go home. So the spirit of the time—late 1990s, early 2000s—especially from Republicans, was that the public schools were in trouble; the teachers and administrators were the cause of it; either shape up or ship out. In one of these staff interviews we had, the key Republican staffer in the House told us that. She said, "Our attitude was either the public schools had to shape up under No Child Left Behind with all these requirements, or else it was time to shut them down, move out, and go to vouchers." So the attitude was punitive.

I don't think that George Bush and the Republicans would have worked on a different type of bill that would have been of more assistance, which would have been the Democrats' inclination, to put in some requirements but to provide more money and more assistance, technical assistance and so on. The Republicans wanted very stringent requirements. The Democrats went along because of their concerns about the big cities and about getting a bill.

Heininger: Where was George Miller on this?

Jennings: Right in the middle of it. Interesting, now I guess he's going around telling people, "NCLB [No Child Left Behind] is the most toxic brand in the country." He proposed a draft bill last summer to amend it. It wasn't even a written bill or an introduced bill. He was criticized by everybody—by the Bush administration, the liberals, the conservatives, the civil rights groups, the public school people, by everybody. I think he gave up on it.

Kennedy has a few draft bills, but I don't think he'll introduce them. It's a very toxic atmosphere right now to try to amend the law. They need to turn the page and get a new President, get a new Congress, and come back to it on a different day.

Heininger: But ultimately the Elementary and Secondary Education Act is going to have to be reauthorized. They're already two years into the cycle.

Jennings: They are. There are entitlements and then there are authorized programs. When the Congress doesn't reauthorize the law, appropriations are provided. In effect it's reauthorized under the same terms and conditions. The Higher Education Act, I think, languished for ten years without being reauthorized.

Heininger: At least ten.

Jennings: The Head Start program, I think, languished for six or seven years without being reauthorized. So it can limp along, but after a while, people are going to figure out that you put your amendments into the appropriations bill to override the underlying law. Eventually there will have to be a reauthorization, but it's not going to come this year.

Heininger: What is the solution for No Child Left Behind?

Jennings: We do the most extensive study of No Child Left Behind of anybody in the country, but we are also starting a project to rethink the entire federal role in education. Kennedy would be interested in this actually. We're commissioning top people in the country. One paper will go back to 1958 and look at all the major programs at the federal level and review the evidence about their effectiveness—not beliefs, not aspirations, but evidence. What actually happened with these federal programs? We'll then try to come to a conclusion about what the Federal Government can or cannot do effectively in education.

Another paper will look at standards-based reform at the state and local levels, and again, it will look at the evidence: what has it produced based on evidence?—not on belief, not on political rhetoric, but on evidence. What can you show from the evidence about what the Federal Government can or cannot do effectively? We're trying to rethink the entire federal role and not just tinker with what's there. There are immediate solutions in No Child Left Behind, but I think there's such a political paralysis that we have to rethink the whole thing and go back to the beginning.

In 1958 the Federal Government started a categorical approach to education. In the 1960s, with the Great Society, this became a poverty-oriented approach. The Federal Government began to put out money for groups of students. It said, "If states want this money, they have to educate poor kids, disadvantaged kids, migrant kids," and so on. The controversy in the '80s and '90s was that this was not an effective approach. It wasn't showing enough change.

On top of the categorical approach was layered standards-based reform. All the requirements in standards-based reform are appended to the underlying categorical programs. But standards-based reform from the federal level, the No Child Left Behind Act, affects every child in the country, not just poor children, migrant children, or disabled children. Every student in a public school has to be tested, regardless of whether that school gets federal money, and the school has

to release the test scores by subgroup. The state has to be accountable for the test scores. So federal aid has gone from being targeted for maybe 25 percent of the kids with extra services to being a law of general applicability that covers all children. The question is, should the whole structure be redefined?

Heininger: Do you think that has made it more or less useful?

Jennings: It certainly has made it more controversial, and it has raised test scores. But at what price has it raised test scores? The price seems to be a narrowing of the curriculum, especially with poor children. But this is getting away from—

Heininger: But these are the issues that Kennedy is grappling with now in education.

Jennings: Yes.

Heininger: There is a bill that needs to be reauthorized, and Miller floated one that everybody attacked.

Jennings: Didn't get it. Right. I deal with some school people in Massachusetts, so I have an idea of what Kennedy is telling them in Massachusetts. Kennedy has changed with No Child Left Behind. He was very defensive of the measure in the first couple of years. He gave a few speeches in Massachusetts about how it was the right thing to do and so on. But I think he's been told enough by his educators up there that there are serious problems with the law. So now Kennedy is willing to look at more serious changes in the law, including basic changes such as how do you measure student progress, as well as a number of other changes. I think that's good. It shows that even though Kennedy is in his 70s, he's able to change and adapt to different situations. His struggle is, how does he retain the principles of the law while making it more workable and more politically supportable?

Heininger: But isn't building in flexibility one of the most important things you do?

Jennings: Yes, in the right way. Flexibility, as you know, since you worked in the Senate, can mean a lot of different things.

Heininger: The devil's always in the details.

Jennings: Right. Right now the U.S. Department of Education has enormous discretion with flexibility. They use some of it in some ways and not in other ways. It depends. Clearly the law has to be rethought. That means that the Federal Government, if it's going to be involved in education, has to be clearer about what it wants, and it has to be reasonable about asking for it, and states have to buy into it to some degree.

Heininger: Would all of this have been easier if there had been national standards rather than state-by-state standards?

Jennings: In the 1990s, the first President Bush, as part of what was called America 2000, asked for national standards and national tests, but he did not want to go to the Congress, which was Democratic at the time, to ask for the money, so he reallocated money. He notified the

Appropriations Committee. He reprogrammed the money, and they reprogrammed the money in the Department of Education, in the NSF [National Science Foundation], and in the National Endowment for the Arts, and they funded national standards. They found that they were very difficult to write. They could get some agreement on national math standards, but the national history standards—

Heininger: Well, we all know about history.

Jennings: I know. A freestanding resolution was adopted by the Senate in 1995 disapproving the national history standards, so the national history standards had to be rethought. They were written at one time. They were very controversial. They served as resource documents to the states. The states have been closest on the national math standards.

Heininger: Those are numbers, after all.

Jennings: Right. The reading groups couldn't agree on national reading standards.

Heininger: Problematic, yes.

Jennings: At one point, I think there were two sets of national reading standards. They finally agreed on one set, but it hasn't had an enormous effect. The idea of national standards seems to make sense, but by the time you try to write these standards, you run into all sorts of difficult problems. Now, things can evolve. Maybe what was done in the 1990s can be reflected upon, and maybe in 2010 we'll know more, and maybe there'll be more agreement and we'll write national standards. Maybe. Maybe they can be insulated from pressure and so on.

But what's happening in general is that because of the dissatisfaction with the progress of public schools—not only generally but in the big cities, poor kids—the Federal Government and the state governments are being urged to take a more active role. That's why you have state reforms that are more prescriptive than state laws have ever been, and that's why the federal law is more prescriptive. It's in a federal system that's moving the power up a little bit, because there's dissatisfaction that there was local control and that it produced poor results or unequal results. So we're going through a long period of deciding to what degree a state government or the Federal Government should have an influence, and how does it fit within a federal system? So it could be evolutionary. Maybe we're getting to a point where the federal role can be rethought so that it fits better into the system. But the consensus has also moved. People are now more willing to accept the idea of *some* federal role, whereas 50 years ago, they wouldn't. We shall see what happens. It's a shame. I wish Kennedy would be around to help with it.

Heininger: Maybe he will.

Jennings: Yes, I hope so.

Heininger: What are the other education interests that Kennedy has had through the years?

Jennings: Higher education, Head Start, just about anything. He is unstoppable when he gets interested in something, such as immigration laws because of his responsibility in the Judiciary Committee. Just about anything.

Heininger: What about other special populations in education?

Jennings: He's not overly identified with the disability area, because in the Senate, that was usually handled by a specialized committee in the Labor Committee. The [Thomas] Harkin subcommittee was more identified with that. Kennedy was interested in just about everything else. He's very interested in migrant education. He's very interested in bilingual education. He's been very interested in issues of interest to African Americans, Latinos, and poor people. Being liberal, those are the things he would be most interested in.

Heininger: What about technology issues?

Jennings: I think I've seen his name on some technology bills, such as Star Schools, but I don't identify him with that. I think that may be too much equipment and such, not brick and mortar. I think he's more interested in people issues.

Heininger: Human capital.

Jennings: Yes, human capital more than things. But I'm sure he has supported technology education, which usually turns into a grant program to buy computers or train teachers.

Heininger: Tell me about the relationship between the House and the Senate through the years on education issues. Have things tended to emanate from the House? I mean aside from procedural. We know they have to start there.

Jennings: Right. It's an interesting phenomenon. In 1958, the Democratic Study Group, under Frank Thompson—with John Brademas, and Senator Lee Metcalf from Montana who was a Congressman at the time, and others—they helped take over the Education Committee and populate it with liberals as part of a reaction to the southern conservatives who had dominated the Education Committee in the House and who had thwarted federal aid to education. By the way, a number of those members, who were Democratic Congressmen at the time, in the '50s, went on to become Senators in the '60s.

As a result of that change, the Education Committee in the House, on the Democratic side, tended to be oriented more toward the Northeast and the Midwest, with some California representation, such as Phil Burton. Because it was liberal—and after 1960, it became quite liberal—and because it was Northeast and Midwest oriented, it was akin philosophically to the Senate Labor Committee, because the Senate Labor Committee tended to be dominated by northeastern liberals, on the Democratic side especially, but even in the past by northeastern moderate Republicans.

Heininger: The Javits years.

Jennings: Yes, and by midwestern liberals. The two committees dealt with the same types of issues: poverty, education, and so on. In general I think that there was a kinship between the two committees, because of philosophy and because of their origins and where they came from and so on.

Heininger: In ways that are probably not the same for many other major committees.

Jennings: Yes, that's right. And they both tended to have problems on their floors. [*laughter*]

Heininger: Yes.

Jennings: Because they tended to be too liberal for the floors, and they tended to be too northeastern or midwestern, especially Northeast oriented for the floor votes.

Heininger: For the regions, yes.

Jennings: They faced similar problems in going to the floors. In the House, there were, of course, rules that limited debate and so on, so I think there was generally a kinship between the committees.

Heininger: Yes.

Jennings: Once Kennedy became chairman, because Kennedy's such a liberal icon, I think the Democrats in the House were generally in awe of him. Perkins to a degree, but Perkins was a wily old guy. He certainly wasn't northeastern [*laughter*], being from Kentucky, right next to West Virginia. He worked with the liberals. He worked with Kennedy. In fact he brought Kennedy down to eastern Kentucky a couple times. He worked with them. But Gus [Augustus] Hawkins, who succeeded Perkins, and then Bill Ford, who succeeded Hawkins, I think, were in awe of Kennedy. I think they deferred a lot to Kennedy, and they almost took their leadership from Kennedy, especially Bill Ford.

Ford was clearly deferential to Kennedy. I used to work for Pucinski, and then I worked for Carl Perkins for many years, and then I worked for Gus Hawkins, and then I worked for Ford. After he became chairman, Kennedy tended to run the show—not completely, because each House is different, but there was a great deference to Kennedy.

Heininger: What about from Miller now?

Jennings: I would guess that there is a deference, but Miller is more of a fighter on his own. I don't think that Miller likes to be intimidated by anybody. [*laughter*]

Heininger: I think that's a good description of him.

Jennings: I'm sure that Miller is cooperative with Kennedy, because they're philosophically so akin, but I don't think he's overly deferential. There's always a problem from the House side, because in the press's eyes, Senators are important and House members are not as important, unless you're an unusual House member, such as Wilbur Mills or Nancy Pelosi or somebody. Most press people don't know the House members, whereas they generally know the Senate members. If an education bill is introduced, such as the one that Kennedy and Miller have been doing with this student-loan crisis in the last couple of months, it becomes Kennedy's bill. From Miller's point of view, I'm sure, there's a little bit of, "Wait a minute. This is Kennedy/Miller or Miller/Kennedy. Why aren't I in that story?" That's one of the tensions you deal with between the House and the Senate.

Heininger: It's also one of the problems with being an icon: icons tend to overshadow.

Jennings: Yes, that's right.

Heininger: We all know that Kennedy's very good about giving credit to other people.

Jennings: Right.

Heininger: But it's tough.

Jennings: It's almost peculiar, funny, from my point of view. I worked on the House side from 1967 to 1994. I had 27 years, and I announced my retirement a year ahead, and I went through a number of interviews, and I wanted to do this. But I don't know how many times I've had people ask me over the years, not only when I was working in the House but also when I left the House, "You worked for Kennedy, didn't you?" [*laughter*] They presumed that I worked for Kennedy, because to people on the outside, even to some lobbyists, Kennedy represents education, and Kennedy represents liberals, and Kennedy represents an activist Congress, and they forget about the other side.

In the black community, Gus Hawkins was widely known, but Kennedy was clearly as well known. On the union side, Bill Ford was well known, but Kennedy was idolized. It's tough for a counterpart to compete with that, not only in the press but also among ordinary people. It creates some tension. But Congress is tension, as you know. There's all this raw ambition, and people want their names and their press releases out, and there is publicity, and they deal with the tension somehow. I've never seen an instance of a House member not getting along with Kennedy. Some of the Republicans didn't like Kennedy, but on the Democratic side, there was deference and respect for the family and everything.

Heininger: This has been fascinating. Thank you very much.

Jennings: I wish I could tell you more.

Heininger: Any last words on Kennedy?

Jennings: He's a national treasure.

Heininger: Yes, that's true.

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