

## SCHOOLS

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the session "politically charged," "volatile" and "potentially intimidating."

Nadler denies he was exerting undue pressure.

"This was a constituency problem, and I was trying to get a bureaucracy to interpret their rules reasonably," he said. He had no leverage over the department's budget, and made no threats, Nadler said, although he acknowledged being forceful.

"What in New York is regarded as mild discourse, here is regarded as heavy pressure. Maybe it's cultural," he joked.

Ultimately, the takeover bid failed and the media school folded.

David Longanecker, the department assistant secretary who oversees student aid, said he sees the pressure as part of the normal give-and-take between the department and Congress. Most of it is "wholly appropriate," he said, although he acknowledged it can feel threatening to enforcement personnel.

He said only once during his two-year tenure has he felt truly uncomfortable with a request from a member of Congress, "where a person suggested retribution. I thought the overture from the congressperson was out of line. There was clearly a sort of quid pro quo suggested."

Other recent cases demonstrate just how much pressure lawmakers can apply on the Education Department when it comes to enforcement of financial aid rules. For instance:

— Former Rep. Donald Lukens, R-Ohio, was indicted last month on charges he accepted bribes in return for interced-

ing with the Education Department on behalf of a Cincinnati-based chain of trade schools. The indictment charges he contacted the department to help keep student loan and Pell grant money flowing to the schools, despite their failure to meet department requirements. Lukens has pleaded innocent.

— A main focus of the 1993 hearings was millions of dollars that had flowed to certain orthodox Jewish schools in and around New York City for ineligible programs or students. When the department began to investigate by visiting some of the aid recipients at home, Sens. Alfonse D'Amato, R-N.Y., Daniel Patrick Moynihan, D-N.Y., Joseph Lieberman, D-Conn., and Arlen Specter, R-Pa., wrote Education Secretary Richard Riley asking him to back off. Riley refused, saying the interviews had uncovered "serious violations." Officials of some of the schools had made campaign contributions to New York lawmakers.

— For years, Sen. Carl Levin, D-Mich., has defended Jordan College in his home state from a cutoff of student aid despite its high loan default rates. Department officials say default rates are their best tool for policing whether student aid dollars are well spent. Levin argues that the school serves mostly poor and minority students, and shouldn't be penalized for educating the disadvantaged. The department now says it will terminate Jordan's aid eligibility March 28.

When asked by senators at the October 1993 hearing about congressional pressure, Education Department officials made no reference to the Nadler meeting though it had occurred just a few months earlier.

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— **JERROLD NADLER**  
House Representative D-NY

They also failed to produce Sedicum's memo under a Freedom of Information Act request made 15 months ago. It finally was obtained from a source outside the department.

But Longanecker did address the problem when asked at the hearing whether Congress was to blame for rampant abuses of Pell grant and loan money.

"Every congressperson I have talked to wants us to manage this program more tightly," Longanecker replied. "On the other hand, when it comes down to an institution that happens to be in their general jurisdiction, it is a different story."

To observers, the problems enforcing student financial aid rules are emblematic of Congress' broader difficulty in disciplining spending, particularly when every dollar is spent in some lawmaker's state or district.

"Constituent service is not an unmixed blessing," said Dennis Thompson, a political ethics professor at Harvard's Kennedy School of Government.

"By paying attention to particular cases, they may distort the general policy. It does turn into another form of pork-barrel politics. ... Too often, they don't examine the merits of a constituent's complaint."

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