Mr. BROOKE. I yield.

Mr. KENNEDY. Mr. President, I, too, wish to join Senators in commending my good friend and colleague from Massachusetts for his statement and comment before the Senate this afternoon.

I think all of us are very much aware that we will reach in the next few weeks an extensive and important discussion and debate on this nomination.

I think the Senator has provided for the membership a very clear, precise, and studious presentation of his views, and a presentation which will be given great weight by Members on both sides of the aisle.

I think the Senator is to be commended, because as pointed out by my colleagues, this is a difficult decision for the Senator both as a member of a party that is in power and as one who recognizes full well the very heavy presumption that goes with any nomination a President makes.

I think you have shown great courage in giving this nomination the kind of thoughtful consideration you have in reaching this decision. I think all of us realize the very significant impact your voice had in the rather crucial times during the discussion of the nomination of Judge Haynsworth. I think your statement here is of significance and importance. I wish to congratulate the Senator for the statement and for the timeliness of the statement. I wish to urge Senators on this side of the aisle to take the time to give it the kind of very careful consideration the statement deserves.

I commend my colleague.

Mr. BROOKE. I thank my distinguished senior Senator from Massachusetts. I also wish to thank him for the fairness of his interrogation during the hearings before the Committee on the Judiciary, of which he is a member. Certainly his incisive questions and the answers thereto were most helpful to me in my consideration of this nominee's qualifications for the Supreme Court.

I wish to add that I am happy to see that the Senator has recovered from his illness and is back in the Senate Chamber again.

I yield the floor.

MAJORITY PARTY'S ASSIGNMENTS TO SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. KENNEDY. Mr. President, on behalf of the majority leader, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The bill clerk read the resolution (S. Res. 361), as follows:

S. RES. 361

Resolved, That the following shall constitute the majority party's membership on the Select Committee on Equal Educational Opportunity, pursuant to S. Res. 359 of the 91st Congress: Walter F. Mondale (chairman), John McClellan, Warren G. Magnuson, Jennings Randolph, Thomas Dodd, Daniel Inouye, Birch Bayh, William Spong, Jr., Harold Hughes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, one of the most important decisions which the Senate reached during the consideration of the elementary and secondary education amendments last week was to establish a select committee of the Senate, whose purpose, in the wording of the resolution itself, is to study the effectiveness of existing laws and policies in assuring equality of education opportunity, including policies of the United States, with regard to segregation on the ground of race, color, or national origin, whatever the form of such segregation and whatever the origin or cause of such segregation, and to examine the extent to which policies are applied uniformly in all regions of the United States.

I am happy to report to the Senate that the Democratic steering committee met today and selected nine outstanding members of the majority to serve on the select committee, including, as chairman, the Senator from Minnesota (Mr. MONDALE), and as members, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Virginia (Mr. SPONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Connecticut (Mr. DODD), and the Senator from Iowa (Mr. HUGHES).

In my opinion, Mr. President, this is an excellent choice of Senators who will, I am confident, be sensitive to the heavy responsibilities placed upon them by membership upon the select committee.

Mr. BYRD of West Virginia. Mr. President, as an ex officio member of the steering committee, I wish to take occasion at this time to say that the choice of the Democratic Members who will serve on this select committee is a very excellent one throughout. Geographically, they have been selected with due consideration being given to all parts of the Nation. They come from the West, the East, the North, the South, a border State, the Midwest.

I think also that, from the standpoint of seniority, those Democrats who will take up the select committee represent Members who have served long in this body while at the same time there are Members who are among the more junior Senators with respect to service in this body.

Finally, from the standpoint of philosophy, Mr. President, it seems to me that the selection which has been presented to the Senate represents a very careful choice of Democratic Senators who will reflect a feeling ranging from the conservative to the liberal and with no Member representing an extreme in either direction.

So, Mr. President, I compliment the Senator from Minnesota (Mr. MONDALE) on the idea of having a select committee created. I think that his selection as chairman is a good one. As the author of the resolution which created the select committee, he, of course, is deserving of the honor that has been accorded to him by the select committee.

I believe that this select committee can and will perform a great service to the Senate and to the Nation.

I have confidence in its Democratic members because I think they are all even minded, even tempered, reasonable, knowledgeable, capable, fair individuals. I think that first and most of all they will want to serve the cause of public education in the Nation.

I trust that out of their diligent efforts there will come a very clear, well-reasoned, well-balanced opinion which can guide this body in its future deliberations dealing with the thorny problems that concern public education. Quality education has suffered in recent years because it has too often been made secondary to the cause of forced integration. Integration will never work unless it be purely voluntary, and it should never become the primary purpose for the existence of a public school system. Unfortunately, integration has lately been accorded such inflated importance on the part of some of our government leaders—politicians, judges, and bureaucrats—that public education, as a consequence, has been impaired and the schoolchildren, black and white, have suffered. Moreover, as a result, a better understanding and good will between the races have not been promoted, but, quite to the contrary, racial frictions have increased.

I hope that the minority members of the select committee, when they are announced, will reflect the same good geographical and philosophical balance as has been reflected in the Democratic makeup of the committee. If this proves to be the case, I think we all can have proper cause to expect that the committee's work eventually will culminate in the kind of report that will insure a saner course than that which has been pursued in recent years and which, if continued, will destroy quality education and the public school system in many parts of this country.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE OIL IMPORT PROGRAM

Mr. KENNEDY. Mr. President, President Nixon's refusal, despite the recommendations of a Cabinet task force, to modify the oil import program and thereby reduce the prices which Americans pay for gasoline and home heating oil is a great disappointment to all who are truly concerned with the fight against inflation.

The President's action—or inaction—has been criticized in a New York Times editorial and analyzed in a Wall Street Journal article. I think both these pieces should be read by my colleagues and the overburdened American consumers, and I ask unanimous consent to include them in the RECORD.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 24, 1970]

THE POLITICS OF OIL

President Nixon has bowed to the oil industry in shelving the recommendations of the majority of his Cabinet-level task force on oil import control.

very different conditions, if we recall the facts. He did change. He harbored these views I am sure at one time in his life. But he outgrew them. Social change took place in the country, and he became more knowledgeable. He used to have the kind of prejudice and bias that comes from ignorance. But as he grew older he changed, and he gave clear evidence of that change.

G. Harrold Carswell was not an ignorant man in 1948. He was not an ignorant man when he sat on the district court. He certainly was not an ignorant man when he sat on the court of appeals. Nor was he an ignorant man when he served as U.S. district attorney and took an oath to uphold and defend and enforce the Federal laws in this land.

That fact—his behavior while he was U.S. attorney in Florida—gave me the greatest difficulty. I understand the situation. I am not naive. I remember that period during the 1950's after the Supreme Court decision came down that there would be integration of public facilities such as golf courses, and so forth.

Not only in the South, but also across the Nation, there cropped up these private clubs which were created for the sole purpose of circumventing the law of the land. And I understand that some politicians joined in this endeavor, and some private citizens did. Though I cannot condone it, I understand it.

But here is a Federal law-enforcement officer sworn to enforce the law of the land who joins in a devious move to circumvent the law that he is sworn to enforce. If he had been a mayor or some other officeholder, perhaps it would have been somewhat different. But he was a Federal officer.

If he goes now to the Supreme Court of the United States and he writes a decision which, in effect, becomes the law of the land, would he then expect and would he then understand U.S. attorneys, Federal law-enforcement officers, circumventing that law?

This matter is very difficult for me to understand, perhaps as difficult as any of the decisions I had to read concerning his handling of litigation or his alleged hostility toward counsel or various litigants who appeared before him.

Then, I take very seriously a writ of habeas corpus. His handling of the habeas corpus cases, in my opinion, was reprehensible.

And so, my colleagues, it is because of all of this that I have formed my opinion. And let me point out very clearly that in judging Judge Carswell, I tried as best a human being can to divorce the matter from the other things that were happening in the country at the time.

I did not judge Judge Carswell on the basis of the statement made by my Vice President in Chicago. I did not judge him on the basis of the Voting Rights Act or any of these other things which I have mentioned this evening.

I judged him solely on the record which the Senator from Indiana, the Senator from Maryland, and the other very distinguished members of the Judiciary Committee brought out in the hearings.

I must presume that Judge Carswell made his strongest case before the Judiciary Committee. I did not read all 4,000 cases. But I cannot conceive that his best opinions were not presented to the committee for its consideration. I have to presume that. I think it is a fair presumption.

The best cases were certainly considered by the committee, together with the worst cases, and perhaps the not so good, or not so bad cases. That consideration also enabled me to arrive at my findings. I thank the distinguished members of the Judiciary Committee that carried on the investigation. And I understand the sacrifice which the Senator from Indiana personally makes.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. MATHIAS. Mr. President, I would observe that some men are gifted with eloquence. Some men are able to speak dispassionately. It is a very rare thing that a man can be both eloquent and dispassionate at the same time. I think it is a tribute to the distinguished Senator from Massachusetts as a Member of the Senate, as a distinguished lawyer, and as a former attorney general, that he has been able to deal with the matter as clearly and dispassionately and eloquently as he has today.

Whatever decision I make myself with respect to this nomination, I feel that a discussion carried on at the level that the distinguished Senator from Massachusetts has employed today would certainly justify me in my feeling that this was a case that should be brought before the Senate.

There could be judgment on the basis of the broad discussion the Senator has engaged in this afternoon. Definitely, all of the implications and all of the elements of our time are inextricably intertwined and involved.

I want to personally thank the Senator from Massachusetts for the light he has shed on the matter here today.

Mr. BROOKE. Mr. President, I thank the distinguished Senator, and particularly for referring to my remarks as dispassionate. I assure the Senator I am not an angry man. I have tried my best to be an objective man since I have been a Member of this very distinguished body, and since I have been in public life.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. PERCY. Mr. President, I address my comments to my fellow Senator who came to the Senate at the same time I did. He has contributed immensely to the Senate and to this particular Senator in the past 3 years. I am proud he is a Member of the Senate and I am proud he is my friend. I know I look forward through the years to the great contribution he is going to make in improving the quality of life in America for all Americans.

I mentioned in this Chamber this morning, in connection with another debate, the deep concern that the Committee on Violence and Civil Disorders, under the chairmanship of Dr. Milton Eisenhower, had for the internal threat, the threat inside the country, which it seemed to conclude is greater than the external threat.

I think we are all deeply concerned about equality and justice in American life, and want to be certain that the promise of American life and the promise as contained in the founding documents that enabled us to become a Nation and a people, are fulfilled and fulfilled in our time.

Certainly when we consider the Supreme Court we are considering a third branch of Government, coequal with the other two branches. One member of that Court has a vote equivalent to 60 Senators and Representatives when we take into account the divisibility of nine into 535. So this is an exceedingly important matter.

I have not come to a conclusion myself, but certainly, as long as I have been in the Senate, I have not heard a more eloquent or more dispassionate or heartfelt argument; and I detect a sense of sadness which I have shared that we have not been able to face up to our problems in the past as we should. I know it is the deep hope of the distinguished Senator from Massachusetts, who is a member of the bar and who has contributed greatly to the legal profession, that we can achieve a degree of excellence in every branch of Government that would be beyond question. This, of course, is the hope of all of us. We have all benefited from the comments of the distinguished Senator from Massachusetts and I am grateful that I was in the Chamber at the time he delivered his address.

Mr. BROOKE. Mr. President, I am very grateful to my cherished colleague from Illinois and my classmate. I certainly appreciate his very kind and generous words. I know he will give the utmost consideration to this nomination, as he gives to everything he does in the Senate.

I am certainly glad that he strengthened the statement relative to the Senate's responsibility to advise and consent, particularly as it applies to the Supreme Court.

As has been said before, and as has been said by the Senator himself, a nomination for the Supreme Court is not like the confirmation of an Ambassador or an agency head or a Cabinet member because they pretty much serve at the pleasure of, and are an extending arm of, the Executive in our three-party system. But when one gets to the Supreme Court, or the Federal courts for that matter, we are talking about a third coequal branch of Government. So it is not just a matter of supporting or confirming the nominee of the President of your own party. I think it certainly shows no loyalty or disrespect to the President to reject the nominee if in your mind and heart you think he should not serve in that particular position at all.

I think it is a matter of a man's own conscience. I have exercised mine; I trust Senators will exercise theirs.

Mr. KENNEDY. Mr. President, will the Senator yield?

States and secure the services of the Department of Justice.

Moreover, if he feels he has been denied the right to vote, he can go to the district attorney and have a criminal prosecution instituted against the offending official.

Mr. ALLEN. I read from a summary of the 17 sections that are a permanent part of the law:

(1) When the Attorney General brings a suit under the 15th Amendment to protect voting rights against racial discrimination, the court is empowered to enter either an interlocutory order or a final judgment requiring the Civil Service Commission to appoint Federal examiners to register voters;

(2) In such suit, the court is empowered to suspend the use of literacy tests "for such period as it deems necessary";

(3) In such suit, the court retains jurisdiction "for usch period as it may deem appropriate" and during that period, the State cannot implement any change in its voting laws until the court determines that the new law will not have the purpose or effect of racial discrimination or until the Attorney General of the United States has failed, within 60 days after submission, to object to the new law;

(4) When Federal examiners have been appointed under such suit, the Attorney General may require the Civil Service Commission to send Federal observers to the local voting precinct to oversee the process of voting and the tabulation of votes;

(5) No State may enforce a literacy test with respect to a registrant who has completed the 6th grade in a non-English-speaking school;

(6) Criminal penalties of 5 years in jail or a $5,000 fine, or both, can be imposed upon anyone convicted of depriving, attempting to deprive, or conspiring to deprive any person of his voting rights on account of race or for destroying, defacing, mutilating, or altering ballots or official records; and

(7) The Attorney General is empowered to bring a suit for an injunction when he has reasonable grounds to believe that any person is about to engage in any act prohibited by the Voting Rights Act.

Do not the remaining 17 sections of the act, not counting sections 4 and 5, give adequate redress to any citizen?

Mr. ERVIN. They certainly do, in an overwhelming manner. The brethren who advocate sections 4 and 5, however, do not think that people who reside in Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana should be accorded a judicial trial before they are condemned by law, so they want Congress to do the condemning and deny them any adequate way to ever recover from the condemnation insofar as obtaining a right to exercise their constitutional authority again is concerned.

Mr. ALLEN. I thank the Senator.

Is it not true that the provisions of sections 4 and 5 provide an automatic triggering device aimed at certain States?

Mr. ERVIN. Aimed at certain States which were carefully selected first, and then the triggering device was carefully devised so as to condemn those States and no others.

Mr. ALLEN. The target was arrived at first, and then the means of hitting that target devised?

Mr. ERVIN. I said in a colloquy with the Senator from Michigan that President Johnson, who was from the State of Texas, suggested this law, and that the law was administered, under the supervision of President Johnson, by Mr. Ramsey Clark, another Texan. The law was so phrased as to condemn Louisiana although the record of the State of Louisiana was far superior with respect to voter registration and voting than the record of Texas. It was also designed to condemn 39 counties in the State of North Carolina, when the record of registration and voting in those 39 counties was far higher than it was in the counties of Texas. The President and the Attorney General did not want to condemn Texas.

Mr. ALLEN. They did that by coupling with the 50-percent requirement the fact that a State must also have a test or device which allegedly abridged or denied the right to vote.

Mr. ERVIN. That is true. That was done because Texas has no such literacy test. I guess they figured all Texans were smart enough to vote even though they were not able to read or write. I have heard a lot of wonderful things about Texans.

Mr. ALLEN. I ask the Senator whether it is fair and equitable to provide that in States with more than 50 percent registered or voting in the 1964 election, the counties with fewer than 50 percent would be subject to the provisions of the law; whereas if a State had less than 50 percent voting and some of the counties had more than 50 percent, yet the law applied to those counties that had the 50 percent of qualified voters?

Mr. ERVIN. I think the opinion of the Senator from Alabama coincides exactly with that of the Senator from North Carolina on that question.

Mr. ALLEN. On the 50-percent requirement, was any basis established that had a bearing on whether there was any discrimination against minority races? Would it have been possible for a State to remain outside the provisions of the law if all 50 percent of the participating voters were white and not a single colored person was registered in the State?

Mr. ERVIN. There is no question about that. To reverse the answer to the question, if a State had a population of 40 percent black and 60 percent white, and all 40 percent of the blacks were registered and all 40 percent of the blacks went out and voted and only 9 percent of the whites voted, that would show that that State was discriminating against black people.

Mr. ALLEN. In other words, if all of the voting-age population who were colored were registered and did vote, if it fell below the 50 percent then the act would apply?

Mr. ERVIN. That is right. To show how foolish the act is, applying it to Guilford County, N.C., under the triggering device, Guilford County has been held to have discriminated in registering and voting notwithstanding the fact that it is represented by a black man in the State legislature, notwithstanding that the courts are presided over by a black woman judge, and not withstanding the fact that at least two members of the city council of the county seat of that county are black men.

Mr. ALLEN. I should like to ask the distinguished Senator from North Carolina, also, if he thinks it is fair in the year 1970 to apply as a criterion for action at this time, conditions which existed in respect to States in November 1964.

Mr. ERVIN. That question answers itself. In my judgment, that requirement is an affront, an insult, to justice.

Mr. ALLEN. I certainly agree with the distinguished Senator. I thank him for the information he has given.

Mr. ERVIN. I thank the distinguished Senator from Alabama.

Mr. President, I yield the floor.

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the address of the able Senator from Arkansas (Mr. McCLELLAN) tomorrow, and prior to the period for the transaction of routine morning business, the distinguished Senator from Missouri (Mr. EAGLETON) who now so graciously, ably, and skillfully presides over the Senate, be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPEARANCE OF SENATORS RIBICOFF, TALMADGE, AND MONDALE ON NBC'S "MEET THE PRESS"

Mr. BYRD of West Virginia. Mr. President, yesterday there appeared as guests on NBC's "Meet the Press" the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. TALMADGE), and the Senator from Minnesota (Mr. MONDALE). The moderator was Lawrence E. Spivak, and the panel consisted of Haynes Johnson of the Washington Post, Claude Sitton of the Raleigh News & Observer, Johathan Spivak of the Wall Street Journal, and Ron Nessen of NBC News.

The three Senators presented varying views on the problem of school integration. It was a very enlightening and interesting program. Therefore, I ask unanimous consent to have printed in the RECORD the transcript of NBC's radio and television program entitled "Meet the Press" of yesterday, March 1, 1970.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

MEET THE PRESS

Produced by Lawrence E. Spivak, Sunday, March 1, 1970.

Guests: Senator Abraham A. Ribicoff, Democrat, of Connecticut; Senator Herman E. Talmadge, Democrat, of Georgia; Senator Walter F. Mondale, Democrat, of Minnesota.

Moderator: Lawrence E. Spivak.

Panel: Haynes Johnson, Washington Post; Claude Sitton, Raleigh News and Observer; Jonathan Spivak, Wall Street Journal; Ron Nasson, NBC News.

Mr. SPIVAK. Our guests today on "Meet the Press" are three Senators who represent varying views on the problem of school

from the provisions of the act if they could show that the tests had not been discriminately used during the previous 5-year period.

The Court, however, has added a new provision to the act by keeping under its provisions all States and countries which, prior to 1954, maintained a separate school system. The Court ignores the fact that the "separate but equal" doctrine was the law of the land until 1954. And it should be remembered that Plessy against Ferguson, which established the "separate but equal" doctrine, was not a product of Congress or the Southern States—it was the work of the Supreme Court.

To eliminate the exclusive venue of the district court for the District of Columbia, I have submitted an amendment to the 1964 act which would open the doors of the district courts for the States or counties which might be affected by the act.

EXAMINERS AND REGISTRARS

Section 4(a) provides that if 20 or more residents of a State or political subdivision allege that "they have been denied the right to vote under color of law by reason of race or color, and that the Attorney General believes such complaints to be meritorious, or that in his judgment the appointment of examiners is otherwise necessary to enforce the guarantees of the 15th amendment, the Civil Service Commission shall appoint as many examiners in such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections."

This section gives the Attorney General complete discretion as to whether voting examiners should be appointed in the areas covered by the bill. The Attorney General is not even required to offer reasonable grounds for his action or for his belief that the right to vote has been denied by reason of race or color and that the appointment of examiners is necessary. It is an unconstitutional delegation of authority to the Attorney General to let the constitutional rights of the States to regulate elections and to set reasonable and nondiscriminatory voter qualifications depend merely upon his belief that the appointment of examiners by the Federal Government would facilitate enforcement of the 15th amendment.

Once again we might look to the Declaration of Independence for wisdom on this power of the Attorney General—"He has erected a multitude of new offices to harass our people and eat out their substances."

THE 1965 ACT AMOUNTS TO A BILL OF ATTAINDER

The legislative condemnation of the 1965 act of Southern States and election officials constitutes a bill of attainder expressly forbidden by the U.S. Constitution. The people of seven States and parts of other States, and more particularly the State election officials in those areas, are convicted under the formula of the 1965 act of violating the 15th amendment without any semblance of judicial trial. Chief Justice Warren in South Carolina against Katzenbach did not deny that this condemnation constituted a bill of attainder but dismissed the contention on the basis that the constitutional prohibition against the bill of attainder does not protect States.

This is a most peculiar opinion, which must have caused Mr. Warren much difficulty to write. States are not metaphysical concepts, like incorporeal hereditaments, which exist in the minds of lawyers. They are composed of people, acting through other people who are their agents as State officials. The condemnation of a State is the condemnation of State officials and the citizens who selected them. To say that the bill of attainder does not protect the States is to say that it does not protect State officials. Yet the Supreme Court in *U.S.* v. *Lovett*, 328 U.S. 303 (1946) ruled quite rightly that the prohibition against bills of attainder operates to protect Federal officials.

EQUALITY OF THE STATES

The 1965 act violates another one of the most fundamental doctrines of our federal system of government, the equality of the States. The act operates to deny to certain Southern States the constitutional authority given all States to prescribe voting qualifications. While I believe that in the absence of proof of racial discrimination, any restriction by Congress on the States power to set voting qualifications violates the Constitution, certainly a restriction on the power of only certain States constitutes an even greater disregard of constitutional principles.

The Supreme Court overcame this hurdle in a most unusual way. In South Carolina against Katzenbach it said that the doctrine of equality of the States applies only to the moment of entry into the Union. Before entry, they are not equal as territories. After entry, one micromillisecond after admission, they are again no longer equal. In effect, the Court has said that there can be as many varieties of States as there are Heinz' pickles—although I do not believe you can make kosher pickles out of such an unkosher doctrine.

In concluding, Mr. President, I reiterate my believe that every American regardless of race, color, or creed should have the right to vote. With others, I share the view that the right to participate in the American political process underlies all other rights. But I also believe it my duty as a U.S. Senator to uphold the Constitution of the United States. It is, after all, this instrument which secures for all Americans those rights which have made this country or theoretically have made this country a land of "liberty and justice for all."

In my judgment, the Voting Rights Act of 1965 is clearly contrary to the plain language and the sacred principles of the Constitution. Because of this, I vigorously opposed the enactment of the 1965 act. On these same grounds, I oppose its extension. Not only does the act violate the language of the Constitution, but it treats six Southern States and 39 counties of my own State as "conquered provinces." I hope that the time will soon arrive when American citizens living south of the Mason-Dixon line can be accorded full faith and credit for being as determined to honor the principles of the Constitution as citizens living anywhere else. Until that time, I must continue to speak out against the kind of unconstitutional and discriminatory legislation which is presently before this body.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the distinguished junior Senator from Alabama.

Mr. ALLEN. Mr. President, I wish to commend the able and distinguished Senator from North Carolina on this very learned, erudite, and scholarly speech. I just wish that this speech, which in itself, rises to the quality and far exceeds that of an opinion of the Supreme Court, could be substituted for the Supreme Court decisions upholding the constitutionality of the 1965 Voting Rights Act.

Mr. ERVIN. I thank the distinguished Senator from Alabama for his compliment to me. I also would like to assert that if this speech were substituted for the decision on the 1965 act, certainly it would be more in harmony with the letter, and spirit, and purpose of the Constitution than the decisions handed down by the Supreme Court on this subject.

Mr. ALLEN. I certainly agree with the distinguished Senator from North Carolina. I invite the attention of the Senator to the fact that the 1965 Voting Rights Act contains 19 sections, and that 17 of those sections are permanent legislation. Only two of the sections, sections 4 and 5, will expire on August 7, 1970, unless renewed by action of Congress.

I should like to ask the Senator from North Carolina if it is not true that the 17 sections that would continue as permanent law of the land are applicable to all of the 50 States, and if they themselves constitute an ample method, a satisfactory method, a full and complete method, of protecting any citizen of this country against discrimination in voting because of race or color?

Mr. ERVIN. There is no doubt of the truth of the statement implied in the question of the Senator from Alabama.

Mr. ALLEN. So actually we do have a Voting Rights Act applicable to all 50 States?

Mr. ERVIN. Yes, and there are more voting rights laws in the United States Code than can be found on any other subject.

Mr. ALLEN. So, if any ciizen feels he is deprived of any right given to him by the 15th amendment of the Constitution, there would be no difficulty in getting redress even if the temporary sections of the Voting Rights Act were allowed to expire?

Mr. ERVIN. There is no question about that, because under existing laws one can bring civilian actions to compel election officials to let him register and vote. He can bring a suit against those who deny him that right. He can then invoke the equity powers of the court against them and others for that purpose. If he does not wish to bring a suit himself, he can go to the Attorney General of the United

segregation: Senator Abraham A. Ribicoff of Connecticut, Senator Herman E. Talmadge of Georgia, and Senator Walter F. Mondale of Minnesota.

Senator Ribicoff's support of the Stennis Amendment has stirred up a new nationwide controversy on segregation in our schools. The amendment calls upon the Federal Government to deal uniformly with public school segregation in all regions of the country regardless of the origin or cause of such segregation.

I'd like to start the questioning now with Senator Ribicoff. Senator Ribicoff, there has been considerable confusion over what the Stennis Amendment would accomplish. Now, in the light of yesterday's Senate vote, what do you think it will accomplish? What does it really mean?

Senator RIBICOFF. Well, it means that in estabilshing guidelines under Title 6, that HEW will treat both the North and the South the same way under de jure and de facto segregation:

Mr. SPIVAK. Do you expect that is going to be voted finally.

Senator RIBICOFF. I hope so, Larry.

Mr. SPIVAK. Senator Talmadge, you voted for the Stennis Amendment and I assume you are enthusiastically for it.

What do you think it means now? Would it speed school integration in the north or will it slow it down in the south?

Senator TALMADGE. That remains to be seen. I think largely it is psychological. It is the first time the Senate has, by affirmative vote, since I have been a member of the body, some 13 years, agreed that the south ought to be readmitted to the Union and that all laws ought to apply the same throughout the nation.

Mr. SPIVAK. Do you expect it will speed desegregation in the South?

Senator TALMADGE. I don't know what action they will take in the Department of HEW and in the federal courts, but I do know that all laws, whatever they are, all rules, all regulations, whatever they are, ought to be applied uniformly in all fifty states.

Mr. SPIVAK. Senator Mondale, you voted against the Stennis Amendment. What do you think it has accomplished? What do you think it means?

Senator MONDALE. I don't believe the Senate Amendment does a thing about race isolation, so-called de facto isolation. I think it is designed solely to slow down and impair the activities of the HEW and other governmental agencies to require school districts to obey the law of the land which prohibits official discrimination. Also, I believe symbolically along with other recent actions, it raises serious doubts as to whether this nation any longer truly believes in an integrated society, is truly committed to a society in which race is irrelevant. If that is its true significance, if that is the direction in which we are going, I think we are going to be a very sick society indeed.

Mr. NESSEN. Senator Ribicoff, ten days ago the Senate approved the Stennis amendment. You voted for it and a lot of people said this meant the end of 16 years of trying to integrate Southern schools. Then yesterday the Senate turned around and in effect nullified any bussing and freedom of choice amendments and you voted to nullify them.

What happened in 10 days? Why did the Senate turn around in ten days?

Senator RIBICOFF. They haven't turned around at all, sir. It shows how consistent the Senate really is. The Senate, by its vote yesterday, indicated that it supports the Supreme Court and is for desegregation. This was the significance of the vote yesterday, and I am for that, too, and always have been. But ten days ago when we voted for the Stennis amendment, the Senate in its wisdom—and I think it was wise—said as a policy "If you are going to have desegregation, it should be equal desegregation, North and South, all over the nation, to treat all the states the same, irrespective if the segregation was due to de facto or de jure causes.

Mr. NESSEN. Well, Senator Talmadge says the effect of the Stennis amendment is psychological. Isn't that true, isn't it encouraging the South to resist? Some judges in fact have already thrown out integration plans since the Stennis amendment was passed.

Senator RIBICOFF. I am not aware of what you say, and I don't thnk that is the reason at all. The purpose of the Stennis amendment as I personally see it, in my motive is to make sure that we have a national policy consistant with the national problem, and we will never solve the national problem and have the national policy until Northern whites realize that they have to move away from their hypocracy and recognize that they just can't sock it to the South, because they must take action themselves in the North to eliminate de facto segregation which in many instances is worse than it is in the South.

Mr. SITTON. Senator Talmadge, specifically what steps would you advocate that the federal government take to implement the Stennis policy of desegregation North and South?

Senator TALMADGE. I think ultimately we are going to have to resolve the situation in accordance with the Constitution and the Act of Congress, the Civil Rights Act of 1964. The 14th Amendment and the Brown decision so held in 1954 that we can no longer classify children by race in our school system.

Now, the 1964 Civil Rights Act also implemented that, and they held that you cannot assign or bus students back and forth to achieve a racial balance. I think the court is going to have to say and this country is going to have to say that schools shall be open to all, regardless of race, creed or color, that anyone can go to any school he sees fit. In effect have freedom of choice just as the same as we have in our living conditions, our working conditions and every other area of human activity.

Mr. SITTON. Then would you vote money for a national effort to eliminate all segregation, North and South?

Senator TALMADGE. Well, we have eliminated all segregation North and South, first by the Brown decision in 1954 and also by the Civil Rights Act of 1964. But when you eliminate segregation then where are you? Are you going to run out and run down people and drag them into schools where they don't want to attend and do the same for teachers, and if you are going to adopt that policy, are you going to make it universal about neighborhoods, working conditions and otherwise? I don't think you can have a police state, and that is what would be required to achieve it.

Mr. J. SPIVAK. You proposed establishing a committee to examine the problems of segregation in the North and in the West.

What would we learn as another study of this that we don't know now?

Senator MONDALE. This committee which has now been established and which I will chair, is the first serious study perhaps in the history of the Congress. We don't really know what to do with what is called de facto segregation. This was segregation which does not arise from official policy, school board discrimination and the rest, but because of residential living patterns. What is racial imbalance? What should be done to deal with it? Busing, fair housing enforcement, the construction of new schools and their location. The redesign of school boundaries and the whole question of quality compensatory education as it collides with the issue of racial isolation.

I think this host of issues comprises the most important and the most explosive issue affecting the health of our nation and it is one which I hope the Senate and the Congress can grapple with.

Mr. J. SPIVAK. What steps at this point seem most fruitful to you to deal with the problems in the North and the West?

Senator MONDALE. Let me say there, one thing we should not do is to delay the enforcement of the orders of the Supreme Court and that is why I opposed the Stennis Amendment. There are nearly two million black children as of the fall of 1968 attending all black schools in the 17 southern and border states. De jure segregation is very much a fact of life in the South and in some other areas in the North as well, and I strenuously object to abandoning this objective of a uniform national policy of elimination of de jure segregation.

Secondly, we must sort out the facts on de facto segregation, which is not illegal, but undesirable, and find out how we might best achieve an integrated society, how we might best achieve good education because at the same time these children are being separated they are being desperately denied in terms of a decent education and these are the kinds of issues I hope we can grapple with.

Mr. JOHNSON. Senator Ribicoff, given the attitudes in this country both black and white, separatism, decreasing polarization, there are some who say that really integration really isn't realistic any more. Do you believe that? As a goal.

Senator RIBICOFF. As a goal, it is realistic, but you have to take every community by itself. It is not realistic in the city of Washington where 94 per cent of the students are black. No matter what you do, you can't take 94 and 6 and make it fifty-fifty.

In the City of Chicago, where you have 30 square miles of blacks, it isn't realistic in Chicago, but it is realistic in many sections of the country and that is what we have to address ourselves to. Where it isn't realistic, we must make sure that we have quality education for black schools as well as white.

Mr. JOHNSON. When you say "quality education," you don't mean the separate but equal system we had under segregation?

Senator RIBICOFF. I don't mean that, but I want as good a schools as I can find every place, whether they are segregated or desegregated, and we have a society, unfortunately, that is segregated and as long as you have a segregated society, you are going to have segregated schools and I think the most unfortunate thing in America is to try to solve all our problems on the backs of children.

Mr. NESSEN. Senator Talmadge, there is a lot of confusion about President Nixon's position in this debate over busing, freedom of choice, integration.

As a Southerner, what do you think his position is? Is he for you or "agin" you?

Senator TALMADGE. I don't know. I wish I did know. Once he makes up his mind, I hope he and Secretary Finch will be on the same side.

Mr. SITTON. Senator Mondale, let's go back to this question of origin. Why is origin so important? Shouldn't the goal be to eliminate these inequities wherever they exist, North and South; de facto, de jure; what-have-you?

Senator MONDALE. Yes, I agree with that, but as a matter of fact, the United States Supreme Court, for 16 years has declared it to be a violation of the Constitution of the United States to officially sort children out. That is a matter of school board policy, and send the black children to one school and the white children to another. This is still very much a fact of life in any number of school districts and affects nearly two million black children in this country.

That must be eliminated, in my opinion, and the distinction between de jure segregation, which is a violation of the law of the

United States, and de facto segregation, which is perfectly legal, but in my opinion undesirable, is one that must be kept in mind because it affects the enforcement policies of our courts and of the administration and it affects the way in which we will deal with de facto segregation as well.

Mr. SITTON. All right, specifically what should the Federal Government do to eliminate de facto segregation in the North and in the South? De facto exists in the South too.

Senator MONDALE. Absolutely, and I am glad you made that point because I think if we can eliminate official discrimination we will still be left with a national pattern, an increasing pattern of racial isolation. I will be frank to admit I don't know the answers. I will be frank to admit that I think the Congress and the North and the Executive have been very negligent in this field.

I have indicated, in response to an earlier question, some of the types of answers that might be applied.

I think they will vary district by district and it is the hope of this equal-educational committee to focus on this in the most searching terms, not only with hearings in Washington, but with field trips to see if we can't come up with a national policy which will deal with the disgrace of racial isolation in the North and elsewhere, as well as the problems of official discrimination found principally in the South.

Mr. J. SPIVAK. Senator Ribicoff, in your speech in which you supported the Stennis amendment, you suggested the solution to the problem of segregation in the central cities lay in the suburbs.

Senator RIBICOFF. That is correct.

Mr. J. SPIVAK. What steps can realistically be taken in the North and in the West to integrate city and subrurban schools?

Senator RIBICOFF. First, there is an obligation of private industry that when it moves into the suburbs it assures that housing is available for its black employees. Eighty per cent of the jobs created in the last two decades have been in the suburbs.

Secondly, no federal installation should be built in any section of our country unless there is an assurance that black employees have housing.

Thirdly, the Federal Government should give special aid and assistance to those suburbs who are willing and make it possible for blacks to live in these particular areas. This is very important; to give them assistance for additional schools, additional recreational facilities, and additional health facilities. This becomes very important.

Mr. J. SPIVAK. Would you favor the Federal Government or the states taking steps to combine metropolitan school districts merging city districts and suburban districts?

Senator RIBICOFF. No, I think physically that is almost impossible to do because I don't think the Federal Government has authority to tell the states how to combine their communities. But it becomes absolutely essential for the Federal Government to encourage, and private industry to encourage, the suburbs to open up its doors for blacks.

Mr. JOHNSON. Senator Talmadge, as a southerner and as a Democrat, how would you assess President Nixon's political prospects in the South today, given the strategy that some say he is employing to get the South on his side, by placating conservatives and the rest?

Senator TALMADGE. I think it is too early to tell. I think by and large most southerners think to date the President has done a fair job, but he doesn't seek re-election now for two years. No one can foretell what will happen at that time.

Mr. JOHNSON. How about Governor Wallace?

Senator TALMADGE. Well, Governor Wallace carried five southern states two years ago and my judgment is he probably would carry that many or more today.

Mr. NESSEN. Senator Mondale, are the parents of your state of Minnesota willing to have their children bused to achieve racial balance, and, if not, then why do you ask the South to do that?

Senator MONDALE. Well, first of all, the busing issue in official segregated schools is a red herring in my opinion. They are the granddaddy busers of all. There is more busing going on earlier in order to sort children out and distribute them to colored schools and to white schools than would be the case if they did it on the basis of geography.

The citizens of my community of Minneapolis and St. Paul have proven time and time again that they are willing to accept a series of changes to deal with racial imbalance in our schools. I am proud to report that we don't have a single all-black school. Most of our black children in Minnesota go to schools which are predominantly white and I am proud to say that Minnesota is one of those states that still believes that we can't have a healthy America unless we live together.

Mr. NESSEN. But more generally speaking, hasn't the experience of the past 16 years with whites fleeing to the suburbs basically been that most white parents do not want their children to go to school with black children all over, North, South and West?

Senator MONDALE. If I were to say that integration doesn't have problems, I would obviously be misleading you. I will say that there has been far more success in integrated schools than has been reported. Hundreds of thousands of black children are going to school with white children and it is working out very successfully. The whites are doing as well as ever and the blacks are doing far better, and they are learning to get along with each other.

There are still problems with integration, but if you want to have real problems, abandon this objective of a united society. Start separating us out on race, and then you will really start having problems in this country.

Mr. SITTON. Senator Ribicoff, just one question: President Nixon's counsel, Pat Moynihan, says that the time has come when the racial issue would benefit from the benign neglect. Do you agree with that?

Senator RIBICOFF. I don't know what benign neglect means, but I would say Pat Moynihan is one of the most knowledgeable, sophisticated and realistic men in this country when it comes to the problem of dealing with our cities and race and everything that Pat Moynihan has to say I listen to with great interest.

Mr. J. SPIVAK. Senator Talmadge, in response to an earlier question, you said the job of ending segregation in the South and in the North is over, yet the most recent statistics from the Federal Government for the 1968 school year indicate that over eighty percent of the Negro school children in the south will go to all-Negro—predominantly Negro—schools.

Is that enough to say that the job is over at this point?

Senator TALMADGE. It is true all over the United States. The most segregated school system in America here is in Washington, D.C., where it is less than one percent.

In Los Angeles, California, 60.7 percent of all schools are racially segregated. Chicago, Illinois, 64.3 percent. Gary, Indiana, 55.6, Baltimore, Maryland, 53.9. Cleveland, Ohio, 63.9. Dayton, Ohio, 50.7. Philadelphia, Pennsylvania, 31.3. Milwaukee, Wisconsin, 50.3.

Mr. J. SPIVAK. Do those figures indicate the job is completed though in this country of ending segregation?

Senator TALMADGE. Well, I don't know how you can ever get a mathematically perfect ratio in your school system. I don't think you can, any more than you can get a mathematically perfect ratio in jobs, housing patterns, living conditions, cocktail parties, social functions. I don't think it is feasible.

What the 14th Amendment prohibits is discrimination, and once you outlaw discrimination, then the citizens generally can work out their arrangements to suit themselves and I think they will, but I think it would be wrong to send out the Army or the National Guard or the Police Department to reassign students in living areas and school conditions according to some mathematical ratio.

Mr. L. SPIVAK. Gentlemen, we have only four minutes.

Mr. JOHNSON. Senator Mondale, President Nixon pronounced his theme of bringing this country together and it is obvious, even from what we have been hearing on this program, we are not together racially in this country yet. What do you think the President should do that he hasn't done?

Senator MONDALE. Well, first of all I think the President should reaffirm this nation's cherished objective of an integrated society and of support of the 14th Amendment. His record in the field of human rights I think has been one of political expediency, which has sacrificed the cause of human rights.

We have seen the head of the Department enforcing civil rights fired for only enforcing the law. We have now had two nominees to the Supreme Court who are distinguished by their disinterest in human rights. The President is trying to gut the Voting Rights Act. In a series of other efforts it is quite clear that he wants to call a retreat, if not abandon our effort to achieve a society truly committed to human rights. I think it is a tragedy. I think he is tearing us apart, and to add to that, Mr. Agnew, who seems to be able to think of somebody new every night to attack, I think he is doing great damage to this country.

Mr. NESSEN. Senator Ribicoff, let me ask you the same question I asked Senator Mondale. These figures that Senator Talmadge read, and the flight of the whites to the suburbs, doesn't that mean that most white parents all over the country don't want their children to go to school with blacks?

Senator RIBICOFF. That is correct. The pattern in this country is, when the blacks move in, the white move out.

Mr. NESSEN. Can't government do anything about that?

Senator RIBICOFF. No, the government can't do anything, but the government can assist in opening up the suburbs where the jobs are and where the housing, and assist in jobs and housing to allow the blacks to come into the suburbs in proportion of what they are in the population.

Mr. SITTON. Senator Talmadge, in view of the Senate's action yesterday on bussing, it appears now that some bussing is going to be inevitable. Now here with the South's opposition to bussing, are there other workable means of desegregation you think the South should use?

Senator TALMADGE. I would like to call your attention first to the Civil Rights Act of 1964, two sections, 401(b) and 407(a), that specifically prohibit bussing and assignment to achieve racial balance.

Mr. SITTON. That is on de facto but not on de jure, Senator.

Senator TALMADGE. We have no such thing as de jure segregation now. We haven't had since 1954. The Supreme Court decision and the Act of Congress in 1964.

Mr. L. SPIVAK. Senator Talmadge, do you think the South could solve its school problem if left alone by the federal government?

Senator TALMADGE. Well, I think in the final analysis all citizens are going to have to solve their problems on the local level. You can outlaw and you can prohibit discrimination, and we have done that. And

think that is as far as you can go without getting into police state tactics, and have an artificial ratio of some kind——

Mr. L. SPIVAK. Senator, do you think you could solve your school problem if left alone?

Senator TALMADGE. I think we are making great progress in that direction at the present time. We are having difficulty with many acts of our federal government. Here is a letter from a woman in La Grange, Georgia. She has six children from seven to 15. They have assigned them to five different schools. That won't solve any school problem.

Mr. J. SPIVAK. Senator Mondale, in your judgment what is the single most important step the Administration could take in the field of civil rights at this juncture?

Senator MONDALE. Well, first of all it seems to me they should start nominating judges to the Supreme Court who are committed to human rights. If the court backs off, the enforcement of human rights laws of this country—and they have often saved us from ourselves—then I think the cause of human rights could easily be lost.

Secondly, it seems to me they must, much more stronger than they have, support a strong Voting Rights Act, a strong series of appropriations and other efforts to bring quality education to the poor, quality housing, quality nutrition and the rest, to the poor of this country.

Mr. L. SPIVAK. I am sorry to interrupt, but our time is up. Thank you, gentlemen, for being with us today on "Meet the Press."

THE RECORD OF THE SENATE FOR 1970

Mr. BYRD of West Virginia. Mr. President, the Senate convened on January 19, 1970, commencing the second session of the 91st Congress.

Through February 28, 1970, the Senate was in session 29 days, including two Saturday sessions, and conducted business as well on Washington's Birthday.

During this period the Senate was doing business for 183 hours, 27 minutes.

During this period the Senate has had 72 record votes on legislation; by comparison it was September 12, 1969, when the 72d record vote was obtained last year.

During this period—that is, thus far during the second session of the 91st Congress—the Senate has passed a total of 88 measures including the following major legislative items:

Controlled Dangerous Substances Act.

Organized Crime Control Act.

Dairy products donation.

Egg Products Inspection Act.

Tomato promotion through paid advertising.

Continuing appropriations through February 28, 1970.

Foreign aid appropriations, 1970.

Labor-HEW appropriations, 1970, conference report.

Savings deposit program for certain uniform services members.

Credit unions—independent agency status.

Federal National Mortgage Association.

Air pollution interstate compact between Ohio and West Virginia.

Newspaper Preservation Act.

Railroad retirement.

Prevent discriminatory State taxation of interstate carriers.

Accessibility of public facilites to physically handicapped.

Urban Mass Transportation Assistance Act.

Foreign service retirement system adjustments.

Legislation to implement the Convention on recognition and enforcement of Foreign Arbitral Awards.

American prisoners of war in Southeast Asia.

Elementary and Secondary Education Amendments.

Temporary emergency assistance to provide nutritious meals to needy children.

Executive Protective Service.

School lunch and Child Nutrition Act Amendments.

Conference report on Medical Libraries Assistance Extension Act.

Conference report on health services for domestic agricultural workers.

Airport and Airways Development Act.

Conference report on Community Mental Health Centers Amendments.

Conference report on public health training.

Intellectual and Industrial Property Conventions.

Labor-HEW appropriations, 1970.

Mr. President, this is a remarkable record, and I think it is indicative of a bipartisan effort on both sides of the aisle to get on with the people's business. I have served in the Senate for 12 years, and I do not recall a year in which the Senate has conducted as much business, proceeded with as many rollcalls, and accomplished as much good as it has in the first two months of the present session. I think this record reflects indeed highly upon the majority leader, the minority leader, the chairman and members of committees and members of both parties who are working together in this body; and it augurs well for the public good. The Senate has been diligent in its business.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. BYRD of West Virginia. For the information of the Senate, what is the pending question, Mr. President?

The PRESIDING OFFICER. The pending question is on the amendment (No. 519) of the Senator from Pennsylvania (Mr. SCOTT) to H.R. 4249.

Mr. BYRD of West Virginia. I thank the distinguished presiding officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, by way of recapitulation of earlier orders, when the Senate completes its business today it will adjourn until 11:30 tomorrow morning. Following the prayer and the disposition of the reading of the Journal tomorrow, there will be a period wherein the able Senator from Arkansas (Mr. MCCLELLAN) will be recognized for not to exceed 30 minutes, following which the able Senator from Missouri (Mr. EAGLETON) will be recognized for not to exceed 15 minutes, following which a period for transaction of morning business will ensue, with statements limited to 3 minutes, at the close of which the unfinished business will be laid before the Senate, at which time paragraph 3, on germaneness of rule VIII of the Standing Rules of the Senate, will become operational for the 3 hours subsequent thereto.

DEATH OF REPRESENTATIVE JAMES B. UTT

Mr. MURPHY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 859.

The PRESIDING OFFICER laid before the Senate a resolution (H. Res. 859) which was read as follows:

H. RES. 859

Resolved, That the House has heard with profound sorrow of the death of the Honorable James B. Utt, a Representative from the State of California.

Resolved, That a committee of forty-three Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. MURPHY. Mr. President, I offer a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution offered by the Senator from California will be read.

The resolution (S. Res. 362) was read, considered by unanimous consent, and unanimously agreed to, as follows:

S. RES. 362

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. James B. Utt, late a Representative from the State of California.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate

these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDING OFFICER. Under the second resolving clause, the Chair appoints the two Senators from California (Mr. MURPHY and Mr. CRANSTON) as members of the committee to attend the funeral.

Mr. MURPHY. I thank the Chair.

ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, pursuant to the provisions of Senate Resolution 362, as a further mark of respect to the memory of the deceased Hon. JAMES B. UTT, late a Representative from the State of California, and in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and (at 5:50 p.m.) the Senate adjourned until tomorrow, March 3, 1970, at 11:30 a.m.

publican Rutherford B. Hayes to become President in exchange for removal of federal troops from the last two occupied Confederate states, Louisiana and South Carolina. Now President Nixon has proclaimed the [illegible]promise of 1970 in order to soothe the [illegible]h and placate resentful whites elsewhere. By political measurements, he is accurately responding to a prevailing mood. While the President might have renewed his dramatic post-election "bring us together" promise in a television address or a speech to a joint session of Congress, he produced instead a dry legalistic document, filled with debating points and lacking urgency or compassion.

NIXON'S BUSING STAND STYMIES INTEGRATION IN ONE "HEARTLAND" CITY

(By Monroe W. Karmin)

WICHITA.—Here in this typical American "heartland" city, President Nixon may have set in motion forces that will permanently segregate the elementary school system—a system that has been moving toward racial integration.

The President's recent statement on school desegregation endorsed the neighborhood school concept, promised that busing children to achieve racial balance "will not be required" and noted that "de facto" (housing pattern) segregation "does not violate the Constitution."

Thus, Mr. Nixon delivered potent new ammunition to Wichita's anti-busing white parents, crippled the pro-busing white integrationists and outraged the black community. And there is utter disarray on the all-white school board, which has long been agonizing over how to cope with the accusations of Federal civil rights enforcers that, even though legal segregation here ended years ago, its effects remain.

"We don't have a consensus on anything now," moans board member Darrell Kellogg. "The board has reached the point where it [illegible]onger can lead the community toward [illegible]gration." Indeed, the board will meet tonight, and, in all likelihood, it will scrap an integration plan adopted only three months ago.

This plan proposed the busing of fourth, fifth and sixth graders from seven black ghetto schools to white schools starting in September. Though Mr. Nixon did not prohibit local school boards from busing if they so desired, his message did equip busing opponents here with a new weapon. Now, says board president Robert Davis, "we'll probably have to rescind that plan. It puts us back to a segregated school system, because of housing patterns."

THE NEW SEPARATISM

If Mr. Davis is right, and many people here believe he is, the long-term prospect for this south-central Kansas city is more racial separatism, unless the courts should eventually decree otherwise. Schools already integrated on the black ghetto's edge are expected to turn blacker, until Wichita returns, in essence, to the dual school systems it once operated as a matter of law.

The new separatism will be different, however: The black community will want a greater voice in the affairs of, and perhaps control over, its neighborhood schools.

"We may have to apply a modified Roy Innis plan to Wichita," suggests Matt Greene, a spokesman for the Black United Front here. "We'd split Wichita so that it would have two separate school districts, each with its own board of education." Roy Innis, national director of the Congress of Racial Equality in New York, has proposed, in effect, separate school systems for blacks and whites, with blacks controlling their own schools.

[illegible]omething similar, though not quite that [illegible]matic, is envisioned as a possibility by Dr. James Donnell, the white chairman of the Wichita school board team that had been earnestly trying to work out a desegregation plan with the Department of Health, Education, and Welfare in Washington. Now that desegregation appears stymied, Dr. Donnell says the next move may be to "decentralize our system" and "try for more local control."

Donald Newkirk, the school board's white civil rights attorney, is looking in the same direction. "I think (separate systems) are entirely possible," he says, "and maybe that's not so bad, if the focus gets on the quality of education and not on the color of the faces in the classroom."

The Wichita whites who oppose busing view President Nixon's desegregation stand as a great victory. "People like to stay where they are, with their own kind," says Doug Myers, an oil company engineer who masterminded an anti-busing campaign. "I don't think we'll ever have much change here in Wichita for years and years to come, if ever."

A QUIET START

Wichita's black population (15% of the 290,000 total) lives in a 100-block ghetto in the northeast sector. Only last fall did the school board initiate desegregation, beginning at the junior and senior high school level. About 3,000 black students were bused to white schools throughout the city. Curiously, little protest arose from the white community—perhaps because, there being no senior and only one junior high school in the ghetto, black students had long attended high school in the white world, though most walked rather than rode buses.

Perhaps the white calm simply was the result of unawareness. Says Robert Hall, who heads an anti-busing group called the Committee for Preservation of Neighborhood Schools; "I just wasn't aware that the secondary school busing was compulsory; I thought it was volnutary."

When HEW pressed the city to get on with elementary school desegregation, the board attempted to comply by suggesting a similar step: The busing of some 2,150 black fourth, fifth and sixth grade pupils to white schools. This plan contemplated making other use of the two elementary schools to which black children had been assigned in the old dual-system days; the five other ghetto schools would accommodate black kindergarteners through third-graders.

But then HEW dropped the bomb: It ruled that to bus only blacks was "discriminatory" and noted that five ghetto schools would remain all-black and segregated. The department moved to cut off $5.5 million in annual Federal aid unless Wichita figured out a more equitable way to desegregate.

That raised the prospect of cross-busing—not only transporting black pupils out of the ghetto but transporting white pupils in. And this prospect jolted Mr. Myers, Mr. Hall and many like-minded whites into a massive telephoning, advertising and letter-writing campaign. "Everybody was asleep at the switch, because the bus driver wasn't stopping at his door," says Mr. Hall. "When they became aware that this might happen, then everybody got aroused. I don't want my children marrying Negroes." Mayor Donald Enoch even protested to Mr. Nixon personally, at the President's Urban Affairs Council meeting in Indianapolis in February.

An HEW spokesman in Washington contends the President's desegregation statement of two weeks ago works "no change" in the department's attitude toward Wichita. Mr. Nixon did reaffirm the Supreme Court's 1954 prohibition against de jure (legal) school segregation, and HEW charges that today's segregation here derives from legal acts of years ago. HEW Secretary Robert Finch is to give his views on desegregation at a press conference tomorrow.

Yet, school board attorney Newkirk, who argues that Wichita's segregated schools result from housing patterns and not discriminatory acts, believes he has won an important gain. "It's hard for me to see how Secretary Finch can withhold funds from us and be consistent with the President's message," he declares.

HEW and Wichita, therefore, are still at odds, Mr. Nixon notwithstanding. What's more, the school board majority favoring integration now believes that the President, by upholding the neighborhood school and opposing busing, has sabotaged the one consensus plan that 10 of the 12 board members could agree upon: The transportation of black fourth, fifth and sixth graders away from their neighborhoods to white schools.

"I really felt we were on the verge of getting past the tough decisions on this," laments board president Davis. "But in light of the President's message, progressive school board members are left without the support of Federal Government policy which they have had for 10 to 12 years now."

"It would have been minor busing of whites," he adds, "so the white community wouldn't have gotten into an uproar." Without this maneuverability, Mr. Davis contends, the black ghetto will push outward as Wichita's black population continues to expand, and neighboring whites will continue to flee.

If this happens, racial separatism could become complete in Wichita's grade schools, and there are those who believe that the President's statement gave a strong shove in that direction. "It's a whole new ball game now," opines board member Kellogg. "We have the black militant who is saying 'Give us control of the schools,' and this only serves to feed the segregationists who resist."

To Mrs. Edwina Collins, an integrationist board member, the choices now have been made clear. "If we can't go toward integration," she says, "then the rational alternative is to put more resources and control of black schools into the hands of black people."

Thus, as the full import of Mr. Nixon's message is understood, a deepening despair afflicts integrationists of both races. Attorney Bell insists that the reluctance of his fellow whites to accept integration more willingly "is a manifestation of a very deep-rooted racist attitude."

BLACK VIEWS

From the black community, Hugh Jackson, who heads the city's Urban League, is angered but not surprised by the President's position. "I expected him to be consistent," Mr. Jackson declared, "and he was—consistently against black folks." But the Urban Leaguer retains hope that the courts will rule against de facto school segregation.

Less sanguine is Chester Lewis, former local director for the National Association for the Advancement of Colored People (he filed the original segregation complaint with (HEW) and now a militant in the Black United Front. He is outraged: "The President showed his complete and unswerving loyalty to the white racist forces in this country. The white community is intransigent, immovable, it won't give a crumb. . . . I've lost faith."

Yet elsewhere in Wichita, now that the President has spoken, there is much pleasure among those white citizens who don't believe racial integration is worth the effort and expense of busing—especially "forced" busing—of children, black or white, from their neighborhood schools.

"I liked the President's statement very much," says Ed Palmer, a roofer. "We're willing to abide by everything he says. Everyone I've talked to agrees with Mr. Nixon's common sense approach. We're all against compulsory busing, even for black children. We really have compassion for those black parents, too."

To Mrs. Kathy Klassen, the mother of three, the Nixon message is a godsend. The thought of her children being bused to black schools transformed the comely blond beauty-shop operator into a one-woman dy-

namo. She placed telephone calls to President Nixon, Vice President Agnew, Kansas Gov. Robert Docking and as many other Federal and state officials as she could think of. For a time, Mrs. Klassen provided pen and paper for every customer in her shop to write protest letters. She even vowed that she would "lay down in front of the bus" if they tried to transport her children from the neghborhood school.

Now she doesn't think that will be necessary, thanks to Mr. Nixon. "Marvelous," Mrs. Klassen says. "I don't think you can take away too many freedoms from people. I felt the Government finally took a step forward instead of backwards. The President restored my hope."

THE TRUTH ABOUT BEEF SUPPLIES AND BEEF PRICES

Mr. HRUSKA. Mr. President, on April 9, the junior Senator from Wyoming and several of his colleagues, including myself, discussed on the floor a highly unusual report drafted by a House subcommittee, calling for the Federal Government to move in on the beef industry in a big way—to manipulate its operation, to attempt to influence prices from the ranch to the meat counter, and to import more foreign beef if necessary to augment our home-grown supply.

Among the unusual aspects of this proposed report was the fact that it came from, of all places, a special studies subcommittee of the House Committee on Government Operations, headed by Representative MONAGAN of Connecticut. Another unusual aspect was the fact that the Associated Press had a complete copy of it but copies were never made available to other interested parties.

On the day of our discussion of the proposed report on the floor of the Senate, the proposal was reported to have been killed by the full committee.

It did serve to direct the glare of publicity briefly upon a problem which is critical for all of us, from Connecticut to Nebraska and beyond. That is the constant precarious state of the housewife's pocketbook.

This is an issue we can all take to heart, and if for an unlikely moment we were to forget our duty to the American consumer, our constituents would certainly remind us of it. Thus we are all interested in any reasonable and workable method of holding prices down.

The periodic sniping at beef prices without factual support to back up politically motivated contentions, however, disturbs me considerably because there are so many more justifiable targets.

As a matter of fact, during the past 10 years the price of beef has not nearliy kept pace with the rest of the economy as prices have spiraled rapidly upward.

Despite the fact that beef prices have risen recently, beef is still the best bargain in the food stores.

In the 10-year period 1960–70, the average consumer price index of all items rose 28.5 percent and the cost of food items rose 29.6 percent. Average hourly earnings rose from 45 to 63 percent during that period.

So much for beef prices. While we in Nebraska are, of course, concerned with beef prices, we are morec concerned with cattle prices. Nebraska farmers and ranchers do not sell beef; they sell cattle. So let us take a look at what happened to cattle prices during the same 10-year period, 1960–70.

The price of choice steers increased 15.3 percent; the average price per hundredweight of choice beef carcasses rose 6.3 percent, and the average price per pound of choice beef at retail rose 20.7 percent. It looks very much, therefore, as if we have many, many more serious inflationary problems than the price of cattle.

We must also consider the question of supply, because implicit in this entire criticism of beef prices is the argument that domestic beef producers cannot meet our constantly rising demands, and that unless we open our ports to more foreign beef, the Nation will face a beef shortage by 1975.

This argument will not stand up in the light of the facts. The domestic beef industry has repeatedly demonstrated it can and will supply consumers with the quantity of beef they want and need. It is important to note that the cattle feeding and producing industries, although operating in a marginal or submarginal profit climate, increased beef production from 14.75 billion pounds in 1960 to 20.95 billion pounds in 1969, an expansion of 42 percent.

It would seem rather obvious that an industry which has demonstrated such an admirable capability for expansion can handily expand its scope still further to produce the estimated 25.3 billion which would be necessary to support the population in 1975.

In 1969, 110.6 pounds of beef per capita were consumed in the United States. Arguments are offered that consumption of beef in foreign countries is considerably higher, indicating that the U.S. production has not reached its potential. Such arguments ignore the fact that our beef consumption is augmented by consumption of a wide variety of other meat products—consumption which in 1969 amounted to 3.4 pounds of veal per capita, 3.4 pounds of lamb and mutton, and 64.8 pounds of pork. In addition, the average American consumed 47.6 pounds of poultry and 11 pounds of fish. This makes a grand total of 240.8 pounds of high protein food per capita.

I submit that the beef industry in this country has long played a major role in insuring that Americans are the best fed of all the world's peoples. It is an industry which is fully capable of continuing to meet the most optimistic needs of the American consumer.

But I believe the record is not well served by irresponsible and misguided attacks upon the industry, which has an enviable performance record, on which if it could only be emulated by other industries, would have long since eased our inflationary spiral.

Mr. President, Don F. Magdanz, executive secretary-treasurer of the National Livestock Feeders Association, is one of our Nation's foremost authorities in the matter of beef prices. For those who are interested in detailed aspects of the relative rise between beef costs and other controlling factors in our economy, Mr. Magdanz has prepared a comprehensive analysis of price factors in the past 10 years.

I ask unanimous consent that this excellent analysis, entitled "The T[illegible] About Beef Supplies and Beef Pri[illegible]" be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

THE TRUTH ABOUT BEEF SUPPLIES AND BEEF PRICES

(By Don F. Magdanz)

With all of the clamor being heard again about beef prices and what appears to be the beginning of another wholesale public attack upon the cost of the Nation's most important food item, it would seem the time has come to state a few hard, cold facts and set the record straight.

As suppliers of the fed animals from which consumers enjoy Choice beef, as well as Good and Prime, it is disgusting that whenever the cattle feeders and cattle growers realize or approach receiving prices for fed animals that allow them a decent return for effort, investment and risks incurred, some persons feel called upon to scream at the top of their lungs about the price of beef.

Sometimes this hue-and-cry comes from individual consumers or small groups of consumers. At other times, it comes from overzealous writers who apparently are trying to "whip something up".

Through United States citizens registered as foreign lobbyists, foreign nations are trying desperately to create alarm in order to get a bigger piece of the U.S. market for their clients at the expense of American citizens and taxpayers engaged in the domestic cattle industry. U.S. importers are also in on the act. Some manufacturers, who would like to expand markets for their products in the nations who want to ship us more beef, are fanning the fire.

Always the fingers are pointed at beef prices with apparent disregard for the facts in the case.

Are beef prices high compared to other consumer items, services, wages, taxes, disposable incomes, etc? The answer must be emphatic, No! And there isn't any justification for all of the allegations poured forth from a variety of sources.

BEEF IS STILL A BARGAIN

The evils of inflation have brought about price and cost increases of practically every item we might name. In the past 10 years—since 1960—many of these increases have been substantial. But the price of fed cattle, wholesale beef, and even retail beef, have not nearly kept pace with the rest of the economy.

All that cattle feeders and growers want is a fair shake. They're not getting it and, except for occasional brief periods, haven't realized a return for nearly 20 years commensurate with inflated costs and prices.

Even in mid-year 1969, when cattle prices and wholesale beef did move upward temporarily, the average price of fed steers, Choice grade, at the peak time was slightly less than in 1952—18 years ago. Prices were, for two weeks in June 1969, about 30% above the average in 1960. In less than 4 months, Choice steers were back down to only 10% above 1960. Wholesale beef prices declined similarly. Retail beef prices also came down, though not as much. But this is the fourth month of 1970. What is the situation now? It's simply this.

At today's prices, beef is still the best bargain in the food stores. The same was true last summer and fall even though prices were higher than now.

In February 1970 the average pric[illegible] Choice steers at Chicago was $30.27 per c[illegible].

ation of the crown of thorns (*Acanthaster planci*), delivered to the conference by the delegate from Guam, Mr. Antonio Palomo, the conference moved a motion drawing the attention of the SPC, "to the urgent danger" [illegible]ted by the increas of many areas of the [illegible]h Pacific of the crown of thorns starfish, and requested the SPC, in cooperation with the United Nations Development Programme and other organizations, to examine ways in which the problem could best be tackled.

In his report to the conference Mr. Palomo said:

The member teritories of the South Pacific Conference are no doubt well aware of the potential biological catastrophe that is threatening the cola reef dominated areas of the Pacific Ocean.

The news media of the United States and Australia have been giving priority coverage to the recent population explosions of coral polyp-feeding crown of thorns starfish, *Acanthaster planci*.

A. planci, unlike the typical starfish, has multiple arms, that may number up to 21. The animal is dark green to bluish-grey, and is covered with numerous sharp spines that are often redish in colour. This starfish frequently reaches sizes in excess of 20 in. (50 cm).

The spines of the animal are toxic and capable of inflicting a painful wound. But the real danger to man is not from the spines but because the animal feeds upon the living part of reef corals. The starfish crawls up on coral heads, everts its stomack through the mouth and digests the coral animal (polyp) leaving only the bleached skeleton of the coral.

One of the first questions that the layman asks our scientists is why are we concerned about an animal that is destroying coral? Many of the peoples of the Pacific consider coral as an inedible "stone", seemingly useless to man. But marine biologists and geologists give us a somewhat darker picture [illegible]vhat might happen should the starfish [illegible]roy our living reefs.

WHAT THE DANGERS ARE

First of all the tiny polyps that make up the living part of the coral are responsible for laying down the underlying coral skeleton of calcium carbonate. The constant wave attack on our coral reefs, along with the effect of other marine animals that bore into the reef, subject the corals to constant erosion. Thanks to the industrious work of the coral polyp, more coral is added to counteract these losses and provide a net gain to the reef structure.

If the starfish eats the coral polyp, then this gain is not realised and there is a gradual eroding away of reef structure.

The corals are not the only calcium carbonate secreting organisms, but they do play an important role in this phenomenon and the loss of their contribution might well be responsible for serious erosional problems on reefs. Were this to occur, then the land mass itself comes under attack from the ever present ocean wave energy.

The results of land erosion could be disastrous to the Pacific Islanders, especially those of low islands.

CHANGE IN REEFS

The second problem brought about by the death of corals and their subsequent erosion is the possible change in the coral reef ecosystem. The coral provide shelter, and either directly or indirectly, much of the food for other reef organisms.

Hence, the corals play a vital role in the tropical reef ecosystem. Disturbance of any part of the ecosystem invariably leads to an imbalance of nature and adverse changes may occur.

For instance, there may be a decrease in our [illegible]eries which would create a serious prob- for areas that are protein deficient.

Many marine biologists all over the world have begun research to determine what these effects may be but until the results of these efforts are available, we must assume the worst and make preparations to counter the effects of this menace.

Another question frequently asked is, hasn't this starfish always been living in the Pacific and if so why is it a problem now?

It is true, the animal has been known in our area from the earliest recording history, but never in such numbers. Heretofore, the creature has been considered rare but for reasons as yet unknown, they are undergoing a vast population explosion.

Some of our marine scientists tell us that this may be a cyclic phenomenon which occurs periodically in anywhere from, say, a 20 to a 1,000-year cycle, and the corals eventually recover. Other researchers tell us that this is the first such invasion and that it must be stopped now.

Both of the above, approaches are as yet hypothetical, and these scientists need time to prove which is correct.

WHAT TO DO NOW?

The problem facing the SPC is what should we do while the research is in progress?

That the starfish is capable of inflicting rapid and serious damage to reef corals is no longer in doubt. Nearly one-half of the fringing reef surrounding Guam has been destroyed in less than three years and several hundred square miles of Australia's Great Barrier Reef have been attacked and either destroyed or severely damaged.

A recent survey conducted in the Trust Territory of the Pacific Islands by the Westinghouse Ocean Research Laboratory, the University of Hawaii, and the University of Guam has shown serious infestations in the Marshall, Ponape, Truk, Palau and Mariana districts of the territory.

CONTROL EFFORTS

The SPC should make every effort to:

Notify the citizens of the Pacific Islands of the danger and ask their co-operation in reporting damage and new outbreaks of the starfish in areas previously not infested.

Assist in the centralization of such information. It is requested that this be sent to the Marine Laboratory, University of Guam, where it will be centrally filed, duplicated, and dispersed as needed.

Support research into the control of starfish and into the reasons why the explosion might have occurred and how it could be prevented in the future.

Support research in the problem of the rehabilitation and recovery of coral reefs already damaged by the starfish.

The Government of Guam has provided $US27,000 for part of the present fiscal year and has shown every indication of providing more funds as needed to help save the reefs of Guam. (For the first six months of 1969, $15,000 was provided.) The University of Guam and the Guam Division of Fish and Wildlife are co-operating in the control programme.

The US Department of the Interior is providing funds in excess of $200,000 to help control the starfish pest.

Methods to control the starfish used thus far have been: (1) Removal of the animals from the reef. (2) Injection of toxic substances into the starfish with special injector devices.

Other methods proposed and now under investigation: (1) Electrical or chemical barriers to prevent the spread along the reef. (2) Biological control efforts, i.e., production of larvicides or disease organisms that attack the starfish.

FUTURE PLANS

Representatives from the University of Hawaii and the University of Guam have been invited to attend an *Acanthaster* workshop in October, sponsored by the American Institute of Biological Sciences. The purpose of this meeting is to review research already done, and evaluate what could and should be done about the problem in the future.

Hopefully one of the results of this meeting would be to schedule and find funding for a larger meeting on an international level that would bring together the efforts and resources of many nations to attack the problem. The SPC should be vitally interested in supporting such a meeting and send representatives to it.

In conclusion, the SPC must be aware of the starfish problem, and the danger it poses to us.

We must urge our scientists to continue their investigation of the problem and we must be prepared to support financially their labour and the control methods they may recommend.

THE PRESIDENT'S RETREAT ON SCHOOL INTEGRATION

Mr. MONDALE. Mr. President, I am deeply troubled by the lack of firm direction shown by the President in his recent message on school desegregation. In 1954, the Supreme Court stated that public education was a "right which must be made available to all on equal terms." Today, 16 years later, millions of Americans are still denied that right. Our Nation, now facing the question of how to correct this injustice, desperately needs firm leadership from its elected officials.

However, the disturbing contradictions of administration policy have not been resolved, but compounded. President Nixon has said he will abide by Supreme Court decisions, yet has attempted to influence judicial opinion on desegregation. The President insists that the law prohibiting de jure segregation will be upheld, yet he opposes busing and offers no alternative for complying with the law. The President recognizes that the dual school system must be ended "at once," yet would continue to rely upon the "good faith" of local school districts. He cautions against burdening our schools with "a multiracial society which the adult community has failed to achieve." But, he also observes that the school is a place "not only of learning, but of living," where a child learns to "measure himself against others, to share, to compete, to cooperate." Surely if we are ever to build a free and open society, we must start by ending the damage done to young minds by discrimination and racial separation.

Perhaps the greatest weakness of the message is its unwillingness to acknowledge the relationship between equal educational opportunity and school desegregation.

Unfortunately, this administration advocates doing merely what the law requires, not what the situation demands. Political strategy has been placed above moral obligation. The President's remarks on desegregation have elicited alarm from many quarters, both liberal and conservative.

A recent article analyzing the President's message in Time magazine concluded that—

While the President might have renewed his dramatic post-election "bring us together" promise in a television address or speech to a joint session of Congress, he produced instead a dry legalistic document, filled with

debating points and lacking urgency or compassion.

I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

Mr. President, we are already beginning to see the results of the President's message. The Wall Street Journal reported last week that efforts to desegregate the schools in Wichita, Kans., have been crippled as a result of the message:

The long term prospect for this south-central Kansas City is more racial separatism, unless the courts should eventually decree otherwise. Schools already integrated on the black ghetto's edge are expected to turn blacker, until Wichita returns, in essence, to the dual school systems it once operated as a matter of law.

The president of the Wichita School Board put the effect of Nixon's message in a nutshell when he said:

But in light of the President's message, progressive school board members are left without the support of Federal Government policy which they have had for 10 to 12 years now.

Mr. President, I ask unanimous consent that the Wall Street Journal article of April 6, entitled "Nixon's Busing Stand Stymies Integration in One 'Heartland' City," be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS: DESEGREGATION YES, INTEGRATION NO

Unquestionably, it was time for Richard Nixon to be heard from on the subject of school desegregation. The Administration's attempt to delay court-ordered desegregation in Mississippi, the firing of a determined liberal who headed HEW's civil rights division, the President's own repeated criticism of busing children to force integration—all had raised confusion about just where the White House stood on one of the nation's most serious and emotion-laden issues. In an 8,000-word statement, the President last week delivered his message: desegregation yes; integration no. Where official barriers to desegregation exist, Nixon would oppose them. Where positive measures are required to promote racial balances, he would demur.

Lawyer Nixon carefully reviewed the judicial decisions involving desegregation, beginning with the Supreme Court's historic 1954 *Brown v. Board of Education* ruling. He concluded that here segregation exists *de jure*, by law or manipulation by authorities, the impediments must be removed. "There is a constitutional mandate that dual school systems and other forms of *de jure* segregation be eliminated totally," he said. Even in those cases, however, he argued that school boards should have some flexibility to meet their special problems. Where segregation exists *de facto*, as a result of housing patterns, the Supreme Court has not yet insisted on affirmative action to ensure school integration. Said Nixon: "*De facto* segregation, which exists in many areas both North and South, is undesirable but not generally held to violate the Constitution."

NO MORE THAN NECESSARY

While the President reaffirmed his belief that the Brown decision "was right in both constitutional and human terms," he emphasized that he does not intend to press any harder toward desegregation than the Supreme Court requires. In a characteristic bit of Nixonian philosophy, he observed: "If we are to be realists, we must recognize that in a free society there are limits to the amount of coercion that can reasonably be used."

Nixon went on to spell out some of the policies that he has directed his Administration to follow. Overall, they reflect his willingness to have desegregation brought about at the local level whenever possible, rather than imposed from Washington. "Primary weight," he said, "should be given to the considered judgment of local school boards—provided that they act in good faith and within constitutional limits." Neighborhood schools "will be deemed the most appropriate base" for an acceptable school system, and "transportation of pupils beyond normal geographical school zones for the purpose of achieving racial balance will not required."

Nixon did add a sweetener. He proposed that $1.5 billion in federal funds be made available to "racially impacted areas" over the next two fiscal years to help desegregating school districts meet their special needs for classrooms, teachers and teacher training—and to improve the quality of education "where *de facto* segregation persists." Some of the money would also be used to explore "innovative new ways of overcoming the effects of racial isolation." These would include integrated activities with children from other schools, ranging "all the way from intensive work in reading to training in technical skills, and to joint efforts such as drama and athletics."

What effect would Nixon's pronouncement have on segregation now? Most experts agreed that since Nixon stuck to existing court decisions, the results would be greatest in the rural South, where *de jure* segregation persists in some areas. Once that ended, so would all school segregation there, since residential segregation is negligible. In larger Southern cities, the consequence could be a marked slow down in desegregation, since putting an end to *de jure* segregation alone would still leave neighborhood schools reflecting the extensive housing segregation of the urban South. In such cases, where there is both *de jure* and *de facto* segregation, Nixon would eliminate *de jure* segregation "without insisting on a remedy for the lawful *de facto* portion." Northern *de facto* segregation would continue unless the Federal Government insisted on the the kinds of limited, part-time integration that Nixon proposed.

Beyond that, there were some inconsistencies and elisions in the statement. While Nixon noted that the number of black children in desegregated Southern schools doubled in 1969 from fewer than 600,000 to nearly 1,200,000—40% of the black school population—he neglected to say that this achievement resulted from enforcement of the federal guidelines that his Administration has now abandoned. He quoted a Supreme Court ruling that dual school systems must be terminated "at once," but then he spoke of allowing Southern school districts the opportunity to demonstrate "good faith." In fact, authorities in most of the old Confederacy have desegregated as slowly as federal pressure would allow.

MALIGNANT CYCLE

Yale Law Professor Alexander Bickel, whose writing on desegregation Nixon admires, had doubts about that phrase. "I trust that Nixon doesn't mean that you can have a district where nothing has been done excused because it has shown good faith," he said. But Bickel found the message "hardheaded and well-intended, a fair statement of the case law and a realistic appraisal of the situation." Johns Hopkins' Dr. James Coleman, author of a well-known study on the educational effects of integration and an expert whom Nixon consulted before issuing the statement, disagreed. "I think the consensus of recent court decisions is stronger than the message," said Coleman. "I was quite disappointed in the enforcement section." Both Bickel and Coleman, however, welcomed the pledge of $1.5 billion. No one knows where that money is coming from or exactly how it will be apportioned. "That has not been finalized yet," Nixon told Senator Edward Kennedy last week.

Perhaps the gravest flaw in Nixon's s[tate]ment was his conclusion that past des[egre]gation policy "all too often has proved a tragically futile effort to achieve in the schools the kind of multiracial society which the adult community has failed to achieve for itself." It is indeed possible that too much has been made of the school's role. But Nixon himself observed that the school "is a place not only of learning but also of living—where a child's friendships center, where he learns to measure himself against others, to share, to compete, to cooperate." If Nixon is to meet his stated goal of "a free and open society," with equal opportunity for blacks and whites, there must be significant changes in hiring, housing practices, higher education and other vital sectors. Still, in the broadest human terms, perhaps the best place to break the malignant cycle of discrimination and racial separation is in the schools, among young children.

COURT INTERFERENCE

Nixon shrewdly made use of some black complaints when he denounced the "smug paternalism" of whites who assume that a black school is automatically inferior to a white one. That assumption, he said, "inescapably carries racist overtones." Black separatists, in fact, do favor having their own schools, and some others have become skeptical of integration as a panacea. But most blacks still want it, or at least demand a genuine choice in the matter (*see* EDUCATION). Marian Wright Edelman, director of the Washington Research Project, found Nixon's "appeal to black separatists' feelings" clever but irrelevant. "In effect," she said, "this is a separate but equal policy, nothing more than an endorsement of continued segregation." As New York Phychologist Kenneth Clark saw it, "This is a denuding, a signifi[cant] slowing down of the momentum that has been building all too slowly since 1954."

AN APPALLING COMMENT

Nixon's statement is a political document, clearly aimed at placating his key constituencies in Northern suburbs and Southern cities, which will be least affected by the course he aims to take on desegregation. It bears the stamp of a top White House political aide, Harry Dent, a Southerner whom he inherited from South Carolina's Strom Thurmond. Not only did Nixon avoid consulting his Commissioner of Education, Dr. James Allen, a liberal New York Republican, but the White House also dissuaded Allen from releasing an earlier memorandum of his own, expressing the view that integration is essential to equal opportunity in the schools.

Allen's advice would have done Nixon little good, since the President had set out to influence the long-range trend of judicial decisions on desegregation, a trespass on the separation of powers doctrine in spirit if not in law. He denounced at some length the ruling of a Los Angeles trial judge in a lawsuit that is still in progress. Nixon described as "probably the most extreme judicial "decree so far" a Superior Court command that the city school district establish nearly precise racial balance throughout its 561-school system. (Coleman calls Los Angeles "a smug Northern district that hasn't done a thing about the segregation there.") Superior Court Presiding Judge Joseph Wapner, who did not take part in the Los Angeles ruling, found it "appalling that the President would use his office to comment on a case pending in our courts."

Nearly a century ago, the era of Reconstruction after the Civil War ended with a Compromise of 1877. Southern Democ[rats] broke an electoral deadlock and allowed Re-

farm prices is that large corporations have cornered the farm market and are driving farm prices down while increasing the prices the consumer must pay for such commodities as cereal, meat, and milk. Unless action is taken soon to reverse this alarming trend, farming as a family occupation will become just another page in history. Should this happen, the real losers will be the consumers of this country.

To prevent a complete corporate takeover of farming in America, it is imperative that Congress act immediately on S. 3068, the coalition farm bill. This bill, of which I am proud to be a cosponsor, is designed to insure that the farmer receives a fair return for his products.

However, low farm prices are only part of the problem. To stop the decline in agriculture it is also necessary to encourage more young people to choose farming as a career. One way to stimulate interest in farming is to improve the veterans farm training program so that more young veterans will be attracted to careers in agriculture. To achieve this purpose, I recently introduced S. 3698, which would establish a new veterans farm training program which emphasizes on-the-farm instruction. Both of these bills, S. 3068 and S. 3689, are constructive solutions to our farm dilemma.

The crisis in rural America affects every citizen and every area of the country. Congress must focus its attention on the problems of the American farmer.

I ask unanimous consent that an article entitled "Farmers Hit Price," published in the Washington Post of April 14, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARMERS HIT PRICE

America has the most efficient food production and distribution system in the world, yet the farmer is going broke and selling his land and the consumer is paying higher and higher prices for food.

The television documentary, "Hard Times in the Country," viewed last night by channel 26 audiences, fixed most of the blame on the 50 or so corporate giants that control the $100-billion-a-year food industry.

It also blamed a few non-food corporations and conglomerates that are going into the farm belt as a tax shelter and land investment for the future while farmers are making smaller profits than they did 20 years ago.

"They're farming for a loss, for a tax write-off, and we've got to farm for a living, and there's a big difference," one California farmer complained bitterly.

Farmers and ranchers interviewed said they could not compete on the same level with big corporations like Goodyear, duPont, Gulf and Western, Dow Chemical and the Conglomerate, AMK which are buying up big blocks of land from the Rio Grande up middle America to the Canadian border.

The social documentary produced by award-winning NET producer Jack Willis, concluded that milk, meat and cereal prices are kept high by limited competition in an industry dominated by relatively few companies.

Three companies—Kellogg's, General Mills, and General Foods—make more than 80 per cent of all cold cereals, the documentary observed. "They then spend over $90 million on advertising and promotional come-ons to create consumer demand."

The cost is passed to the consumer and the farmer receives less than the price of the box for the grain inside, the program noted. The camera pans a row of flashy cereal boxes, all promising a gimmick inside.

During a branding scene, narrator Philip Sterling declared that chain stores took advantage of increased consumer demand for beef last year to raise the price.

"The top four chains, A&P, Safeway, Kroger's and Acme," he said, "account for over one half the retail sales in the large metropolitan markets. By keeping the wholesale price down and raising the price to the consumer, they can increase their profits.

"In 1969 the retail price of beef rose steadily. By the end of the year the chain stores were paying the wholesaler only one cent more a pound for it—but were charging the consumer 10 cents more a pound."

One farmer, A. Martin, predicted that the trend is leading America toward a feudal set-up, with "peasants" working the land. "When we get to this position in this country, we'll wipe out the middle class."

SCHOOL DESEGREGATION

Mr. MONDALE. Mr. President, when President Nixon's statement on school desegregation was released several weeks ago, I remarked that its message to the Nation was to do as little as possible. Over the last year, this has been the theme of the administration's actions, as well as its words. We have increasingly found Justice Department lawyers arguing school desegregation cases on the side of school districts. We have seen the only administration official who demonstrated any enthusiasm for the principle of integrated education, Leon Panetta, fired for trying to fairly enforce the law. We have heard no criticism from the President or his Cabinet for Governor Kirk's defiance of a Federal court order, but we have heard them denounce Federal courts for desegregation decisions which they consider "extreme."

This failure of moral leadership is stunning hypocrisy from gentlemen whose battle cry on other political fronts is "law and order," and it threatens to bear tragic fruit.

An article entitled "Dixie Defiance," on the front page of the April 17, 1970, issue of the Wall Street Journal documents a rising climate of racial violence, centered on opposition to constitutionally required school desegregation, encouraged by the administration's articulated policy and its actions. As the lead paragraphs of the article state:

The Nixon Administration's easing of Federal pressures for schools integration has rekindled Southern defiance reminiscent of the Dixie of a decade ago.

Gov. Claude Kirk's stand last week in the old orange school building here caught the headlines. But his stance of angry resistance is showing up in statehouses from here to Louisiana. And the new mood is being accompanied by an ugly wave of racist violence—a fast-growing but largely unnoticed outbreak market by bombings and burnings of Negro schools and churches and the reemergence of white hate groups once thought dead.

I note that this climate may be found in northern as well as in southern communities where school desegregation has been required.

I have every confidence that the good sense and decency of the vast majority will prevail. But the willingness of the administration to play politics with an issue which so vitally affects the lives of school children sets a sorry example for those less sensible and less decent.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIXIE DEFIANCE: KIRK'S STAND POINTS UP RENEWAL OF RESISTANCE TO SCHOOL INTEGRATION

(By Neil Maxwell)

BRADENTON, FLA.—The Nixon Administration's easing of Federal pressures for school integration has rekindled Southern defiance reminiscent of the Dixie of a decade ago.

Gov. Claude Kirk's stand last week in the old orange school building here caught the headlines. But his stance of angry resistance is showing up in statehouses from here to Louisiana. And the new mood is being accomplished by an ugly wave of racist violence—a fast-growing but largely unnoticed outbreak marked by bombings and burnings of Negro schools and churches and the reemergence of white hate groups once thought dead.

Southern segregationist leaders say Washington's slackening of past efforts to integrate schools has heartened them greatly. They see new hope in reasserting old attitudes of fervent resistance, attitudes that in the past couple of years had been abandoned as futile.

The change has been so marked that the South's old enemies—the Department of Health, Education and Welfare and the Justice Department—are now considered allies in the fight against the remaining foe, the Federal courts.

GOVERNOR KIRK'S NEW FRIEND

The Manatee County case here is one such instance: The Justice Department said last weekend that it would team up with Gov. Kirk to see what could be done in a Federal appeals court to ease the terms of the integration plan a Federal district court imposed here. Both Gov. Kirk and local whites in this Gulf Coast county object heatedly to the court-ordered plan because it calls for busing of whites to predominantly black schools and busing of blacks to mostly white schools—a procedure President Nixon has criticized himself.

Just a few days earlier the Justice Department attacked another Federal court for overzealousness in ordering busing of students in Charlotte, N.C. The criticism followed a statement by President Nixon last month, declaring that he considers school segregation resulting from residential segregation to be "lawful" and rejecting busing to achieve racial balance. The President tossed aside a number of recent decisions by state and Federal courts ordering busing as "untypical" and said he will "not consider them as precedents to guide Administration policy."

The Presidential statement was foreshadowed late last year when the Justice Department moved in court to delay integration in Mississippi. The move surprised and delighted officials of that state.

The Administration hasn't explicitly told the South it is off the hook, but some experts feel that to do so in the face of its actions would be redundant. Leon Panetta, fired recently as the Government's top integration strategist, bitterly suggests Mr. Nixon's policy has gone beyond the "benign neglect" suggested by adviser Daniel P. Moynihan and is now in a state of "malignant retreat."

"SHAKE THIS COUNTRY"

Any doubt about the posture of resistance Southern leaders have assumed is dispelled in a chat with Gov. John McKeithen of Louisiana, whose promises of "defiance" are echoed by others such as Gov. John Bell Williams of Mississippi and Gov. Albert Brewer of Alabama. Mr. McKeithen paces back and forth in the den of the columned governor's mansion in Baton Rouge and adopts the rhetoric of the late Martin Luther King in calling for Southern whites to come forth and man the barricades.

"We're going to shake this country if necessary," declares the governor. "We will not sit at the back of the bus. We're not going to accept second-class citizenship. We'll do whatever we need to do to get justice—including defiance if need be."

"We won't burn and loot and bomb buildings like they do in New York," the governor says, "but we will do whatever it takes . . . short of violence. It looks like the only way you can get justice is defiance."

That's tough talk, but it's also vague. Gov. McKeithen's current strategy, as well as that of some of his counterparts in other Dixie states, seems to be to resist as much as necessary to fend off complete integration, fighting mainly through the courts.

The Nixon Administration has said it will no longer rely on cutoffs of Federal funds to press for integrated schools, a tactic used successfully by Washington over the past several years and one that left Southerners few means to fight back. Instead, the Administration has said that where it faces total local recalcitrance it will use the courts to enforce compliance—an involved, tedious process and one that permits Southern politicians to wage counterattacks. (An Administration official says the Justice Department plans to file five statewide school desegregation suits soon, similar to one filed a few months ago in Georgia. That suit would require a lesser degree of integration than that ordered recently by Federal courts.)

Several Southern states in the past few months have hurriedly passed new laws copied after one in New York State that has the effect of banning busing to achieve integration. Says Gov. McKeithen: "We didn't want to take a chance on ours being ruled unconstitutional, so we made it just like New York's—we even included a grammatical error they made." The Louisiana law passed quickly in a special session of the legislature called for that sole purpose in February.

At the capitol building in Jackson, Miss., Gov. Williams says there's nothing new about his determined defiance to integration, but he new sees new hope. "We don't expect a complete reversal of form or an instant reversal," he says, "but at least we are receiving sympathy where before we were condemned."

Like most Southerners, Gov. Williams first opposed and then embraced "freedom of choice" school enrollment, which theoretically permits any child, white, or black, to choose the school he wants to attend. Freedom of choice was first imposed by the Federal Government as a tool of integration. But invariably it resulted in a perpetuation of predominantly black schools. Some blacks chose white schools, but many, out of fear or preference, did not. Hardly any whites chose black schools. The courts eventually ruled that the policy is insufficient where it does not eliminate segregation.

"Very frankly, we did not think (freedom of choice) would work," says Gov. Williams, "but we've found it to be most acceptable. It leads to as much integration as people want and are willing to accept." The governor is hopeful that in the new atmosphere the courts will be pushed by public pressure into reestablishing freedom of choice as acceptable legal doctrine. "The courts have gone too far for public acceptance around the country," he says.

Gov. Kirk of Florida, whose reliance on direct defiance has apparently paid off, feels the same way. It's true that he failed to get the hearing he had sought before the Supreme Court, which he had predicted would strike down the controversial "cross-busing" order. Nor did his pronouncement that no lower Federal court could control his actions as governor survive for long against the threat from a district court of fines of $10,000 a day. Nonetheless, Gov. Kirk's showy stand of dramatic resistance was followed by the Justice Department's move to join him in seeking an appeals court review of the Manatee County integration plan. That lesson hasn't been lost on Southern politicians elsewhere.

TIRED BUT NOT DEAD

In states such as Alabama and Georgia, whose leaders have long been the staunchest advocates of defiance, observers say there has been an even more militant tone in recent months. Listen to Georgia Gov. Lester Maddox urging defiance in a recent never-say-die speech to an Optimist Club: "If I am held in contempt of court, it will be only because the actions of the court were contemptible. We are tired, but we are not dead. We have lost much, but we have not lost all. God forgive us if we surrender while one of us still stands."

Resistance in Dixie has also been encouraged by the tone of recent articles in the national press—articles regarded by segregationists as sympathetic because they have criticized forced integration. Magazine columnist Stewart Alsop recently questioned the value of continued pressing for integration, and other journalists, in publications both right and left expressed similar doubts. "What they are saying now is confirmation of what us racists and bigots have held all along," William Simmons, executive director of the Citizens Council of America, based in Jackson, Miss., says with a grin.

The racist violence that has accompanied the official defiance across the South has dismayed students of civil rights and Southerners sympathetic to integration.

In Forrest City, Ark., the Negro community center was burned late last month. A few weeks before two nearby Negro churches were burned. A bomb exploded and a cross was burned on the front lawn of a school board member in Forrest City.

Near Greenville, Miss., three Negro churches were burned to the ground one week-end late last month. The incident prompted the Delta Democrat-Times to reflect on the burnings in this fashion: "We thought that Mississippi had passed beyond the day when they would occur. Last weekend proved us wrong."

THE VIOLENT SOUTH

Earlier, bomb threats were received at several largely black schools in the Greenville area, one of which was recently integrated, another which is soon to be integrated. In Maben, Miss., a Negro school was burned the day before the faculty was to integrate in February. Last month a Negro church outside Carthage, Miss., was bombed. A Negro community center in West Point, Miss., recently was burned, and shortly thereafter a bomb exploded at the county courthouse. Police arrested several Negroes, including the director of the burned-out community center, on a conspiracy charge in connection with the bombing.

In Little Rock, Ark., bomb scares recently disrupted several high schools that had been integrated for years with no such threats. Last month there were two bomb threats at Columbus, Miss., junior high schools, and in Jackson there were three cross burnings in one night recently. In Gainesville, Fla., a shotgun blast hit the school superintendent's home and a rash of racial clashes in schools led the sheriff last weekend to threaten to post armed deputies in every classroom and in lavatories to restore order.

In an incident in February, a group of students from largely black Tougaloo College outside Jackson, Miss., were arrested and claimed they were badly beaten after a boycott march in nearby Mendenhall. One student, after his release, reported: "After they had taken me inside of this jailhouse, I asked one (of the officers) for my Constitutional rights. He said, 'Nigger, I'm going to give your constitutional rights, your marching rights and your civil rights,' and that's when he kicked me and the rest of them commenced to beat me with blackjacks and billy clubs and started kicking me and stomping me."

The Rev. John Perkins, a Negro leader who went to the jail to seek the students' release, says: "I was met at the door by these policemen and the sheriff, and they said, 'This is a different ball game,' and they began to crack me over the head. . . ." Sheriff J. R. Edwards denies the minister and students were beaten. Gov. Williams also says the claims of police violence are "exaggerated."

HATE GROUP REEMERGES

There has been a rash of school clashes between blacks and whites serious enough to make local news in spots such as Dorchester County, S.C., and Sarasota and Jacksonville here in Florida. The Jacksonville outbreak was followed by protest marches by white parents led by a hate group most Southerners thought had faded away—the National States Rights Party.

The American Friends Service Committee is conducting a survey to measure the new upsurge of violence and intimidation across the South. "We feel it's important to call attention nationally to what is happening," says Miss Constance Curry, a Southern field worker for the committee.

Some Southerners fear more violence is likely. "I don't see how it's avoidable," says Paul Anthony, director of the Southern Regional Council in Atlanta. "All the thing coming out of Washington these days and the new defiance by leaders just can't help but encourage a greater degree of white resistance—and the only way some people know how to respond is with violence." Mr. Anthony fears the resurgence of violence will be more dangerous than past bloodletting which was largely onesided, with whites attacking blacks. "Negroes aren't going to take another wave of violence nonviolently," he says. "They are going to give back whatever they get."

That hasn't happened yet, but Negro leaders agree that it may. W. J. Hunter, a black grocery store owner and a member of the county school board in Lamar, S.C., says another incident in that city could trigger real trouble. Whites in Lamar last month overturned buses carrying black children to formerly white schools. Critics of U.S. Rep. Albert W. Watson have since accused him of stiring up hate a few days before the outbreaks in a fiery defiance speech at a freedom of choice rally in the county. Warns Mr. Hunter, the black school board member: "People will only take so much. If (the whites) hurt some kid seriously, then the whole thing will blow off and nobody can stop it."

THE DEATH OF WALTER REUTHER

Mr. McGOVERN. Mr. President, Walter Reuther's death is a staggering loss to the cause of peace and justice.

His life has been a great rallying standard for those who seek economic and civil justice and an end to the tyranny of war.

He said a few months ago during the South Carolina hospital workers' strike:

Black is beautiful. White is beautiful. But the most beautiful of all are white and black together.

term credit can be secured through channels other than the Export-Import Bank.

For the first thirty years of its life, the Export-Import Bank had no such restrictions. In 1964, the Foreign Assistance Appropriations Act forbade the Bank from guaranteeing export credits to any communist country unless the President determined such credits to be in our national interest.

Up until 1968, the President determined that such credits *were* in our national interest, and the prohibition had little effect. In 1968, however, the Congress amended the bill extending the Bank's lending authority, forbidding the use of Export-Import Bank credit to finance sales or guarantee credit in any sales to a country whose government is trading with any nation with which the United States is engaged in armed hostilities. Obviously, the legislation was aimed at countries trading with North Vietnam, and the reference to countries whose *government* is trading made the Act apply to the communist nations and not to our other major trading partners, whose nationals also may trade with North Vietnam.

For countries seeking to modernize industry and agriculture through large purchases of capital equipment, these prohibitions have virtually ruled out importing from the United States. Cash deals of such magnitude are generally out of the question, and without Export-Import support, few banks will extend medium or longer term credit. Since there is no modern basis for any peculiar fear of default with respect to East-West transactions, these restrictions are another example of short-sighted ideology interfering with economic and political realities. With Export-Import legislation due before Congress sometime by the end of the 1971 fiscal year, I am hopeful that these restrictions can be removed.

The other major barrier to expanded East-West Trade is the lack of Most Favored Nation treatment for these countries. With the exception of Yugoslavia and Poland, all the rest must pay the prohibitively high tariffs of the 1930's.

Ultimately, of course, a nation can buy from us only to the extent that it can secure U.S. dollars. By erecting high tariff barriers against East European nations, we make it extremely difficult for them to secure these dollars through direct trade with us. While there are number of factors at work in the following example, the fact that Poland's exports to the United States in 1968 accounted for more than one-half of all East European (including the U.S.S.R.) exports to the United States indicates something of the potential value of MFN status.

Attempts have been made in Congress to secure MFN treatment for Romania and Czechoslovakia—I, along with others, have introduced bills in the Senate for both nations—but the Administration and the Finance and Ways and Means Committees have not acted favorably on these measures. The Czechoslavkian invasion in 1968 barred what may have been a promise of securing MFN for that nation, and the bills now lie quietly in the respective House and Senate Committees. (MFN bills, dealing with the raising of revenue, go through the Senate Finance and the House Ways and Means Committees rather than through the Banking Committees, which have jurisdiction over Export Control and Export-Import Bank legislation.)

Another area where Congress can contribute to an expansion of East-West Trade is the cargo-preference restriction on sales of wheat and feed grains to East Europe. Since 1963, the Commerce Department has required 50% of all such sales to Russia and all of the wheat sold to Bulgaria, Czechoslovakia, Hungary, and East Germany to be shipped in American flag vessels.

The objective of such a restriction is not clear. The State Department has suggested that such restrictions violate more than 30 commercial treaties we hold with other nations. Surely, the application of such a restriction only to agricultural products cannot conceivably further any kind of foreign policy or national security objectives.

The only remaining rationale is that cargo-preference serves as some sort of subsidy to the maritime industry. But even this is totally fallacious, since the effect of the cargo-preference restriction is to virtually exclude the United States from the entire East European wheat and feed grain market. Last year, for example, Russia bought some 30,000,000 tons of wheat and some 400,000 tons of corn from the West—and not one grain or kernel from the United States because of our "bottoms" requirement. In fact, there were no exports last year to any East European country of wheat, rice, barley, grain, sorghum, or wheat flour.

From 1965–1968, Canada shipped 551,000,000 bushels of wheat to East Europe while we shipped only 2,500,000 bushels. Yet, in the same period, we managed to sell 138,000,000 bushels to Poland and Yugoslavia—who are not included in the cargo-preference restriction.

In 1969, U.S. world exports of feed grains declined by 19%; corn by 10%; and wheat, grain, sorghum, oats, and barley declined by lesser amounts. Such statistics, alongside our ever-growing surpluses at home, clearly illustrate the need to expand U.S. agricultural exports. But where is the fastest growing agricultural market? East Europe, of course. To quote from the United States Department of Agriculture December 1969 Statistical Report on World Agricultural Production and Trade:

"World Trade (1969–70) is expected to increase, but competition will be keen. Increased exports should be reflected mainly in larger purchases by Mainland China, the northern countries of Eastern Europe, USSR, Japan, Pakistan, and Turkey. The bulk of the increase is expected to be in communist countries, areas where the U.S. does not trade." (p. 29)

Cargo preference is another reflection of our utterly irrational and self defeating barriers to trade with the East. They deny nothing to the communists. They provide no business and no jobs for the American Merchant Marine. Yet they do succeed in shutting American agriculture—the most productive in the world—out of this vast potential market.

There are, as well, additional changes in the export control field which should be sought either through legislation or, hopefully, through executive decisions based upon the general Congressional mandate to expedite East-West Trade.

So much of the difficulty in getting licenses, for example, has been due to the delays, the red tape, the time, and the expense involved in the licensing procedures. Some changes were made before passage of the new Act. In May of 1968, the Office of Export Control announced a new procedure for licensing exports and re-exports of samples for trade shows in Eastern Europe. This change in the "firm order" rule means that a business can export samples to be used in trade shows without already having received a specific order for a commercial quantity of the commodity. The exporter, however, still needs to apply for a license before any of the commodities shown as samples can be sold.

Another change, relating to distribution licensing and parts agreements, will ease the paper work of American firms engaged in exporting commodities requiring validated licenses, by providing a single export license for a number of commodities for distribution within the country of destination in Western Europe. It also will expedite shipment of replacement items to both Western and Eastern European countries.

Finally, there is the exceedingly complex but serious problem of United States trade policies imposed upon other, often allied, nations. An American subsidiary in Europe, for example, is required by law to conform to the far more restrictive United States Export Control List, while its competitors in that nation are restricted only by the COCOM list. In addition, the question of extra-territoriality often arises, with the overseas company subject both to the laws of that country and to certain laws of the United States telling the company what can and cannot be exported. Obviously, the political and diplomatic strains can become as acute as the economic and financial ones.

A related problem has to do with the "end use" of an exported product. Controls are placed not simply according to the country initially buying the product, but also according to the country which is to eventually utilize the end product. For example, aircraft components cannot be sold to France if these will end up in an airplane to be sold to China. Thus, in addition to a "firm order," the U.S. exporter must list the names and addresses of all parties in the contract, a description of the nature and quantity of the items to be exported, the ultimate country and ultimate consignee, and the "end use" of the commodity.

It is no wonder that American businesses give up in despair, East Europeans are insulted, our allies are sorely irritated, and business is often lost, simply as a result of the tortuous paper work involved for all parties hoping to engage in East-West Trade.

The comments presented here are intended only as a general summary of where we are, where we most recently have been, and where I hope we may be heading on our course of pursuing more realistic trade policies with Eastern Europe. I must emphasize that neither I nor anyone else in Congress is bind to the potential dangers between East and West, or of the bitterness which the Vietnam war has driven between us. But I have become more and more convinced that our national security can be enhanced, our foreign affairs with allies and adversaries alike improved, our trade surplus increased, and our economy strengtened, by actually encouraging trade in peaceful, nonstrategic goods with the nations of Eastern Europe.

Congress has taken its first step in this process, and I have outlined some of the next steps which I hope to see taken. The climate in Congress is becoming increasingly favorable and the prevailing mood of the key International Finance Subcommittee of the Senate is decidedly favorable to initiating additional steps with respect to Export-Import Bank financing and further Export Control legislation.

But it is time for the business, agricultural and financial communities to begin strongly asserting a view toward liberalizing these remaining East-West Trade restrictions. The automatic knee-jerk reaction against "trade with the Reds" is no longer even an acceptable conservativism. Change has begun, with vital economic, political and social ramifications. Change will continue when the Congress, and especially the Administration, know that it is both economically sound, strategically wise, and politically acceptable.

MINNESOTA HIGH SCHOOL STUDENTS SUPPORT SCHOOL INTEGRATION

Mr. MONDALE. Mr. President, a recent issue of the Minneapolis Tribune contained a very thoughtful and encouraging article entitled "Most Teenagers Support School Desegregation," written by Catherine Watson. The article discussed the results of interviews

conducted with 400 students in suburban high schools near Minneapolis who were asked their opinions of school integration. Eighty-eight percent of these students indicated in their responses that they supported school integration. And they explained why.

These students are keenly aware of the impact of racial isolation. They recognize the artificial nature of racially isolated schools, and detrimental effects of this isolation. One girl summarized the reaction of many students when she said:

I think it is important that children are exposed to other races, especially in the suburbs where they've never seen minorities. I think it's sad because we have to learn to live together.

Another student described the effects of racial isolation by stating:

You learn from people who have different ideas. If you stay where everybody is the same, you are just cut off.

Testimony presented before the Select Committee on Equal Educational Opportunity has demonstrated the way in which racial isolation in the schools has caused educational and psychological damage to students of all races. Numerous witnesses before the committee have described the importance of quality integrated education to both the achievement of individual students and the future of our society. The article I referred to and the survey results it includes, support these findings. I commend it to Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOST TEEN-AGERS SUPPORT SCHOOL INTEGRATION

(By Catherine Watson)

(EDITOR'S NOTE.—What do high school students think about today's issues and today's problems? In an effort to find out, Minnesota Poll interviewers talked with 100 students at each of four suburban Minneapolis high schools—Minnetonka, Richfield, Wayzata and Osseo. The surveys took place early this month. While the survey is not considered accurate enough for projection, it is considered to be an accurate reflection of student thinking.)

"Why not? We're all people." That was one white suburban high school student's response when he was asked if he thinks integrated schools are a good idea.

It sums up the view on integration of nearly all students interviewed in a recent survey at four Minneapolis suburban high schools. The schools, like their surrounding communities, are almost entirely white.

"We just have white middle-class views here," one student explained, "and I'd like to get their (minorities') views and ideas."

Eighty-eight percent of the 400 students surveyed said they think racial integration of schools is a good idea. A little under 2 percent of the students said they think integration is a good idea "only if there's no busing involved."

Asked if they'd like to see more minority students in their school, 88 percent said "yes."

But asked if they'd like to go to another school where more minority students were, the percentage saying "yes" dropped to 54 percent—and many seemed torn by loyalty to their present school.

"I'm happy here," said one girl who wouldn't want to transfer to a school with more minority students, although she said integration is a good idea and thinks she'd date a minority person.

Another girl, also favorable to integration, said she wouldn't like to transfer herself because "it would be hard. Everyone would be different—I'm used to the same kids."

A boy who thinks integration would be good, who would like to see more minority students in his school and who would date a person of another race, balked at going to a school with a heavier minority enrollment "because of my sports."

"I'm not sure I could make varsity sports there—here, I have a good chance to make varsity," he said.

And another, also in favor of integration, said he wouldn't like to transfer because "I'd rather have the community integrated."

Many were opposed to busing, even when they favor integration. And the quality of education in different schools was a concern for some.

"It's a good principle (integration) and it improves relations, too, but it's not good to bus many miles to do it," one student said.

Only a few feared integration would "lead to conflicts" or that "people would call the Negroes names and then there'd be riots and it would be just one big mess."

One girl said integration is good, if started in early grades so youngsters grow up together. But if it is started when students are high-school age, she siad, "then there'd be fights."

A few admitted to prejudice—either their own or their families': "I'm not prejudiced but my parents wouldn't like it (integration)," a girl said. "This is why we had to move here—because we came from north Minneapolis."

If there was integration in her suburban school, however, she said, "we could see that the color of skin makes no difference."

As for transferring to a more heavily minority school, one boy expressed reservations about the quality of education he'd get—would it, he wondered, prepare him for college?

Another said, "I try not to be prejudiced and if they came to (his school) they would get a good education."

The students tended to think their communities contain more racial prejudice than their schools do.

Twenty-five percent said "most" people in their neighborhoods are prejudiced; 38 percent said "some" are and 32 percent said "a few" are. About 3 percent said no one is.

Seniors tended to be more suspicious of prejudice in their neighborhoods than sophomores: 36 percent of 12th graders said "most" people in their neighborhoods are prejudiced, compared with 19 percent of sophomores and 20 percent of juniors who said the same thing.

In their schools, however, 41 percent said "a few" students are prejudiced and 44 percent said "some" are, while only 12 percent said "most" are prejudiced.

They placed much emphasis on the idea that people of other races "are just the same as us."

"We are all persons—there's no difference between black and white," one boy said.

"I don't think it's right that they be segregated—they have just as much right as we do," said a girl.

And there were other reasons—chiefly an awareness that white suburban living isn't an accurate reflection of the world.

"I think it's important that children are exposed to other races, especially in the suburbs where they've never seen minorities," another girl said. "I think it's sad because we have to learn to live together."

One girl, herself a Negro, said the same thing. "I don't think they get a full view of how life really is until they've been together. They will find this out later, so in school they can learn how."

"The only way to remove your prejudices is to go to school with them," a boy said.

"Integration would help you get along with other people, and besides it's better for the country," a girl said, "because the races might understand each other better and learn to accept each other."

"Our discussions are always one-sided," a boy complained. "We don't get the opportunity to see the other side of the issue."

Another explained a feeling of suburban racial isolation this way: "You learn from people who have different ideas. If you stay where everybody is the same, you are just cut off."

HEALTH BUDGET CRISIS—NEED FOR INCREASED FUNDS

Mr. KENNEDY. Mr. President, one of the most critical aspects of the current Federal budget is the inadequate level of appropriations requested by the administration for Federal health programs. The situation is especially critical in the area of health manpower, but increased appropriations are also urgently needed in the areas of health research and health services.

I had the opportunity to deal with many of these issues in testifying this morning before the Labor-HEW Appropriations Subcommittee, presided over by its chairman the distinguished Senator from Washington (Mr. MAGNUSON).

I commend Senator MAGNUSON for his extraordinary efforts in recent years to alleviate the increasingly serious crisis in the Federal health budget. We in Congress made a strong beginning in the Appropriations Act for fiscal year 19[illegible] and I hope we can make an even be[illegible] record for fiscal year 1971.

Mr. President, I ask unanimous consent that my testimony before the Appropriations Subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR EDWARD M. KENNEDY

I am pleased to have this opportunity to appear before you today and to offer my views on the health aspects of the Labor-Health, Welfare and Related Agencies Appropriations bill for fiscal year 1971.

In my testimony today, I would like to discuss three major elements of our Federal health system as they relate to the budget under consideration: (1) health services; (2) health research; and (3) health manpower. Because these three elements are so closely related to one another, it is impossible to say that one aspect is more important than any other. We know, for example, that health research leads to improved health services, which in turn can only be delivered by adequate numbers of well-trained health manpower. The crucial consideration is that today's advance in the laboratory should be translated as rapidly as possible into tomorrow's service to the patient.

HEALTH SERVICES

At the outset, I would like to emphasize the urgent need for increased funding for many of the most important health service programs administered by the Public Health Service of the Department of Health, Education and Welfare.

I am especially concerned about the Administration's budget policies with respect to Federal programs in the areas of mental retardation and mental health. We are all well aware that the treatment of the mentally retarded has been one of the most shameful chapters in the history of American

dents and parents of a given community prefer segregation, which should be their right so long as they impose their views on no one else. This theoretical explanation simply does not comport with the facts which have been uncovered by the U.S. Commission on Civil Rights. The Commission's September 1969 report on Federal enforcement of school desegregation found a variety of causes for the failure of freedom of choice plans to achieve desegregation.

For one thing, fear of retaliation and hostility from the white community has continued to deter many black families from choosing all-white schools. The fear is not ill placed. The Commission has documented numerous instances of violent intimidation.

For example, a 16-year-old girl in Sharkey-Issaquena Counties, Miss., is today sightless in her right eye, the result of a shotgun wound inflicted when she tried unsuccessfully to transfer to a white attended school.

A black family in Clay County, Miss., received death threats and gunshots in its family home and the family car when their 12-year-old son registered in a white school.

Less than 5 years ago, an Alabama Federal court found that a local chapter of the Ku Klux Klan had been formed in Crenshaw County to forcibly prevent the desegregation of the public schools and intimidate Negro parents who chose to send their children to white schools.

In addition, economic coercion has been used as a weapon to prevent black families from exercising so-called freechoice. A black truck driver in Dorchester County, S.C., was fired from his job, because as his former employer admitted, his children enrolled in the white-attended schools. The district court in the Crenshaw County case also found the Klan had utilized economic coercion in achieving its ends.

In the past, this body has been asked to endorse obstructionism by removing from judicial scrutiny freedom of choice approaches to desegregation. Tonight, we are asked not only to endorse obstructionism but to require it by approving section 211. To do so would be unpardonable.

Mr. MONDALE. Mr. President, I rise to support the amendment offered by the Senator from Maryland to strike sections 209 and 210 of the education appropriations bill.

Sections 209 and 210, the so-called Whitten amendments, would not in their present form change legal requirements in the area of school desegregation, or alter the authority and responsibility of HEW to enforce those requirements. But these provisions are designed to create confusion in the minds of laymen, and their passage would encourage futile resistance among school districts now fully desegregated, or planning to complete desegregation with the opening of school next fall.

Sections 209 and 210 would prohibit HEW from requiring the transfer or assignment of students over parental objection, or the busing of students, with respect to schools or school systems which are "desegregated" as that term is defined in title IV of the Civil Rights Act of 1964 or from requiring the abolishment of any school so "desegregated." These provisions are meaningless, of course, since existing law gives HEW no authority to require further action of a school or school district which is "desegregated" within the meaning of title IV.

"Desegregation" is defined in title IV as follows:

> 401(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Under this definition, "desegregation" of a school district encompasses the process of disestablishing the effects of racial assignment, in order to achieve the nonracial operation required by the Constitution.

As the Supreme Court ruled over 2 years ago in the Green decision, a school district does not stop the practice of assigning students on the basis of race when it adopts an alternative method of assignment which achieves the same results as racial assignment. The Court held that de jure segregated school districts achieve nonracial operation only by integration in fact of faculties and student bodies.

The title IV definition of "desegregation" explicitly excludes efforts "to overcome racial imbalance," that is, to eliminate segregation which is accidental or de facto in origin. Thus, the term "desegregation" refers only to the constitutional obligations of school districts segregated by law or official policy.

No narrow interpretation of the term "desegregation" is consistent with its use in title IV. Its only present function is to describe the Office of Education's authority to render technical assistance to school districts requesting such assistance in meeting their legal responsbilities. The term "desegregation" is coextensive with 14th amendment requirements, so that the Office of Education program can render useful service to desegregating school districts.

The administration has announced its opinion that sections 209 and 210 would have no legal effect, and asks that we strike them because of the confusion they would cause among desegregating school districts. The Leadership Conference for Civil Rights opposes these sections on the same grounds. Mr. President, we are dealing with the lives of children, and with the most fundamental of this Nation's commitments, our commitment to the elimination of racial injustice. Enactment of these meaningless but divisive provisions would betray our public trust.

Mr. EASTLAND. Mr. President, once again we are faced with the crucial question of whether the Senate is willing to help save the public schools of the South and the Nation from disruption and chaos.

We must exercise our powers responsibly by returning to the local and State school officials the authority to bring about desegregation in an orderly manner by use of the "freedom of choice" plan.

The inferior Federal courts in the South, with the sanction of the Supreme Court of the United States, have entered extreme and arbitrary orders forcing Southern school districts to achieve integration by means of forced assignment of students to schools on the basis of race so as to achieve a racial quota in the public schools. This has been done even when it violated the "neighborhood school" concept and entailed busing of children for long distances in order to attain a racial quota in the schools.

Likewise, officials of the Office of Education in the Department of Health, Education, and Welfare have similarly forced Southern school districts to adopt the same sort of extreme destructive plans for accomplishing desegregation as a condition to the payment of Federal funds for educational purposes.

It is this latter abuse of power which is sought to be remedied by the Whitten amendments and the Jonas amendment.

These amendments appear as sections 209, 210 and 211 in the pending bill as reported by the Committee on Appropriations. This language must be retained in its present form. It must not be watered down. Section 209 provides that no part of the funds contained in this act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Section 210 provides that no part of the funds contained in this act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

Section 211 provides that no part of the funds provided in this act shall be used to formulate or implement any plan which would deny to any student, because of his race or color, the right or privilege of attending any public school of his choice as selected by his parent or guardian.

These sound provisions would merely prevent forced busing and arbitrary closing of schools, and would permit a child to attend the school of his parents' choice.

What is wrong with that? This is completely consistent with our American traditions of self-determination and local control under school boards.

If we fail to include these provisions in the law, we will permit, sanction and condone the actions of officials in the Office of Education in unjustifiably treat-

Mr. SCOTT. The Senator and I are friends. We know that.

Mr. STENNIS. This is not a matter of friendship. This is a matter of education.

Mr. SCOTT. I do not wish to embarrass the Senator with my friendship——

Mr. STENNIS. No. We are friends. We are friends, of course. I am proud of that. My point is, what are we going to do about Philadelphia, Pa., while we are working in Philadelphia, Miss., since the Supreme Court has said what it did about the test?

If the Senator will pardon me, I will read from these percentages once more and then I will read one from Mississippi.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield at that point?

Mr. STENNIS. Let me give these figures first, and then I will yield to the Senator.

Mr. ERVIN. Yes.

Mr. STENNIS. As I say, in the Senator's fine home State of Pennsylvania—and it is a wonderful State—in Philadelphia, the figures are 9.6 percent in 1968 and 8.2 percent in 1969.

In 1969, the percentage of Negro students attending the majority white school in the largest city in my State of Mississippi was 19.7 percent. Would the Senator from Pennsylvania kindly give me his attention? It is 19.7 percent.

In a large city in Mississippi—large for us—the percentage of Negro students attending a majority white school it was 19.7 percent in 1969, as compared to 8.2 percent in Philadelphia, Pa., and 2.8 percent in Chicago, Ill.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. ERVIN. I want to ask the Senator from Mississippi if they do not have de facto segregation in some places in Mississippi?

Mr. STENNIS. Yes. Yes.

Mr. ERVIN. Is there not one town down there where virtually all the black people live on one side of the bayou and the railroad tracks and virtually all the white people live on the other side of the bayou and the railroad tracks; and that notwithstanding the fact that there was de facto segregation there, and notwithstanding the fact that the school board set up one school district on one side of the bayou and the railroad tracks and another school district on the other side of the bayou and the railroad tracks, primarily for the safety of the little children, the Federal court held that the safety of the little children has to take second place to the overriding necessity of desegregation, and the school board would have to make some of the little black children endanger their lives by crossing the bayou and the railroad tracks to get over to the white school, and some of the little white children endanger their lives by crossing the bayou and the railroad tracks to get over to the black school.

Mr. STENNIS. That is true. That is one of the cases we have down there. It is just as the Senator has stated it. It is part of this crusade supported and backed by those who have not cleaned up their own backyards.

Mr. ERVIN. Does not the Senator from Mississippi know of the celebrated case in Charlotte, N.C., where the court handed down a decree requiring the busing of thousands of students in de facto areas inhabited by blacks to schools in de facto areas inhabited by whites?

Mr. STENNIS. Yes. I am familiar with that.

Mr. ERVIN. In other words, HEW and the courts harass the schoolchildren of the South regardless whether it is de facto or de jure segregation in the South; is that not correct?

Mr. STENNIS. That is right.

Mr. ERVIN. The South is subjected in any event to compulsory integration. Only the North can hide behind the words "de facto."

Mr. STENNIS. That is deliberately set up that way, Senator, by some of those who helped to draft the 1964 Civil Rights Act. They took that for themselves, in no uncertain words. I have been frank about it. I have said here on the floor of the Senate, in a speech I made not many days ago, that the Supreme Court has repeatedly refused to hear a case originating outside the South to decide the question of the legality of this segregation that they have.

I cited four specific cases where the litigants tried to get that point decided, and applied for a writ of certiorari, but that writ of certiorari was denied by the Supreme Court in those four cases, as well as more. Those four were clean and clear cut, so there is some mysterious reason why the Court refused to pass on the legality of this very segregation we are talking about.

When we talk about children and equality of their education, I know of a case in my State of a man and wife with six children who, under orders of the Court, must send those six children to six different schools to the four different sides of the city, each one leaving home separately in the morning and going to a different school in a city of 100,000.

Call that quality education—or quality anything else that goes to make up the training of youngsters at that tender age?

I hope, Mr. President, and I submit this on its fairness, that the majority of Senators will see fit to let this amendment go on this appropriation bill for at least 1 year. That is the life of it. It will not be permanent law. Let it go along for 1 year and see what the result will be. Certainly it will not hurt anyone outside the South. It will lend somewhat of a new start and be of great encouragement to the spirit of the parents and teachers. We always hear the bad things, the thousands and thousands of parents and teachers in our area of the country that have sacrificed the right to make this thing work. And they come back with more, and more, and more intolerable demands under which human flesh can hardly live. It is injurious to those of both races.

I hope that the Senate will see fit to stand by the House and stand by the House committee and stand by the Senate committee and leave this temporary provision in the bill for one time, just one time, and let us see what good can come from it in 1 year.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I hope the Senate will sustain the motion to strike section 211.

"FREEDOM OF CHOICE" A MISNOMER

The progress of school desegregation since the Supreme Court announced the Brown decision in 1954 has been somewhere between nonexistent and slow. The very latest statistics available from the Department of Health, Education, and Welfare issued June 8, 1970, show us that almost 50 percent of the minority students in American primary and secondary schools attend schools with between 95 and 100 percent minority group populations. The corresponding figure is 77 percent for the 17 Southern and border States. Even in the 32 States of the North and West, where racial segregation of schools has been by and large de facto, more than 32 percent of the minority students attend schools which have 95 to 100 percent minority group populations.

In addressing my remarks to section 211 of the Office of Education appropriations bill—H.R. 16916—the so-called Jonas amendment, I express the hope that its presence and the presence of the accompanying Whitten amendments embodied in section 209–219 of the bill reported out of the Appropriations Committee, represent a futile last gasp on the part of those who seek to scuttle the desegregation process altogether. As I have every time that the predecessors of these amendments have been added to the appropriations measures by the House, I must now oppose their acceptance by the Senate.

Section 211 requires that desegregation plans embrace the idea of freedom of choice; it is quite clearly unconstitutional. The U.S. Supreme Court held in Green against County School Board of New Kent County, Va., in 1968, that the freedom of choice plan at issue was itself unconstitutional because it served to perpetuate, rather than terminate, racial segregation. The court was clear in stating that constitutionally, "utilizing freedom of choice is not an end in itself"; yet that is what section 211 would mean in practical consequence.

Even were we to suppose that constitutional commands have weakened in the past 2 years, section 211 should be decisively defeated. The phrase "freedom of choice," as rhetoric, has a rather compelling emotional appeal. But attaching the word "freedom" to a concept cannot change its practical effect. We would not for a moment entertain passage of a bill which attempted to establish the "freedom to assault," the "freedom to cripple," or the "freedom to kill." Yet as moderate a black leader as Whitney Young of the National Urban League said recently in testimony before the Senate Select Committee on Equal Educational Opportunity, that a system which fosters school segregation commits "educational genocide."

Proponents of section 211 have argued that if freedom of choice results in segregated schools, it is not because of de jure state action, but because the stu-

ing the public schools of the South differently from the public schools of the other parts of the Nation.

Mr. President, my colleagues from the South and I have made a number of speeches on this floor in which we stated irrefutable facts which clearly demonstrated that the arbitrary and outlandish actions of the Federal courts and of Federal administrative officials have had a terrible effect upon many of the public schools of our section. These Federal edicts have caused many of the children who attened public schools, both white and black, to withdrawn from the public schools. These unwise edicts have brought about turmoil and confusion among the teachers and students in many of these schools.

I deeply regret to say that apparently the terrible events that are occurring in many of the public schools of the South seem to have little or no impact on some of my colleagues from other sections of the country.

In the event that anyone should think that my considered judgment that the forcing of a racial quota of students and teachers in the public schools will invariably result in educational chaos and public resentment is influenced by the fact that I am a southerner, then I invite your careful attention to a few extraordinary statements made on this floor during the course of the debate on the Stennis amendment last February. I believe that these statements, which were made by eminent nonsouthern Members of this body, show beyond the shadow of a doubt that people in no section of this country want to be subjected to a racial quota system by the assignment of students and teachers in the public schools on the basis of race.

As you recall, the Stennis amendment, as modified by an amendment of the junior Senator from Connecticut, stated that the guidelines established pursuant to title VI of the Civil Rights Act of 1964 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the agencies of any State without regard to the origin or cause of such segregation, whether de jure or de facto.

In other words, since we had previously been unable to receive justice by the adoption of the Whitten amendments and the Jonas amendment, some of us sought by the Stennis amendment to at least be assured that the other sections of the United States would receive the same and equal treatment as that received by the South.

I commend my colleague from Mississippi for forcing this issue to the floor. His efforts resulted in a landmark vote, in which the Senate approved the "equal treatment" amendment by a vote of 56 to 36. Unfortunately, even though the Senate adopted the Stennis amendment, its language was weakened by the conference committee with the House, and the language which was finally enacted into law still permits the Federal courts and the Federal bureaucrats to discriminate against the South. It is my firm conviction that the people of the South are being afflicted with terrible conditions in their schools which 95 percent of all Americans in all sections of the Nation would never voluntarily endure. This statement is supported by the many tragic events which had occurred in the school systems of Mississippi as a result of Federal interference in the operation of the schools. I now call to your careful consideration a statement made by the distinguished Republican leader, the senior Senator from Pennsylvania in the closing moments of the debate on the Stennis amendment on February 18, 1970. Senator SCOTT opposed the adoption of the Stennis amendment. He took the position during the debate that even should both Houses of Congress adopt the language of the Stennis amendment, it might not have the effect of law because it was couched in terms of a statement of policy. The Senator from Pennsylvania then made the following statement:

> I say I am glad it is only stated as policy, because any genuine attempt, in good faith, to enforce this language would require, in my judgment, the use of all the police forces in America, and a great many of the troops overseas. That may be a good thing; it may be a good way to get the troops home.

I completely concur with this statement of the Senator from Pennsylvania. If HEW and the Federal courts should harm and disrupt the public schools in all 50 States to the same degree that they have harmed and disrupted the public schools of the South, it would indeed require all of the police forces and many of our troops to enforce this destruction of public education on an angry and outraged American public.

Mr. President, if the consequences of forced integration by racial quotas would be so bitterly resented by the people of America so as to compel the use of all of the police forces and hundreds of thousands of Federal troops in order to enforce compliance with the law, then how, in good conscience, can anyone justify or condone punishing the people of the South in such a fashion? There is no justification for such discriminatory treatment.

One can draw at least three inferences from the statements of the Senator from Pennsylvania which I have quoted.

The first possible inference is that the people of the North, East, and West are much more violently opposed to forced integration by racial quotas than are the people of the South, and for that reason Federal troops would be required to enforce such conditions in those sections of the Nation. This may or may not be true. The Senator from Mississippi does not undertake to impute thoughts, ideas or motives to people in other States.

The second reasonable inference which could be drawn from this statement is that the South should be treated differently than the rest of the Nation because it has not yet paid enough pennance for the War Between the States.

It is my sincere hope that this inference is not the correct one to draw from this statement. I had hoped that the spirit of Thaddeus Stevens was dead in the Senate, but events of the last few years make me wonder.

The third reasonable inference which could be drawn from the statement is that ideally a system of forced integration by racial quotas should be foisted on all of the schools in America, but that realism compels the concession that the people of the North, East, and West would not stand for such outrages, and if such conditions were forced upon them might not only react with violence, necessitating the use of troops, but, even worse, they might react at the ballot box with disastrous political consequences to some persons.

I hope and trust that this inference is not the correct one to be drawn, because it would put our Government in the position of being a bully or tyrant.

Just because it has been forcibly demonstrated to the people of the South that the whole might of the Federal Establishment may be brought to bear on them in order to force integration by means of racial quotas in the public schools, it does not follow that it is right, proper, or moral to take such tyrannical actions.

We in the South have learned from experience that the Federal courts and the bureaucrats at HEW will blatantly treat our schools differently from the schools in other sections of the Nation. We have learned that harsh and arbitrary edicts will be entered by the Federal courts in order to achieve the goal of integration by quotas. We have learned to our sorrow that Federal bureaucrats will arbitrarily and illegally deny our schools and other institutions funds to which they are entitled under the law unless they submit to a policy of integration by quotas.

We have even learned the ultimate lesson that Federal troops will be used to bring about the complete social revolution which is the goal of so-called civil rights leaders.

Perhaps it would not be such a bad idea for people in all of the other sections of the Nation to realize that troops may be used against them, too, in order to enforce integration by racial quotas and the social revolution. It is an unhappy thought, but perhaps only in that way will all Americans learn of the results of Federal interference in the operation of the public schools.

I also call your attention to a statement made by the distinguished Republican leader at an earlier stage of the debate on the Stennis amendment on February 18:

> But, without waiting for that, we will now have, if the amendment is agreed to, a decision that after de jure segregation has been pursued as far as it can be pursued, in all sections of the country, including the South, the white student will have gone to the private schools and the blacks will have attended the public schools and then we will have a situation where we will have resegregation; and then, in the South, as in the rest of the country, we will have a United States policy stated of an attempt to enforce the unsegregation of the resegregated areas nationwide, which is a matter highly exalted in principle and most desirable, but would, in fact, operate as a total breakdown of the law all over the country.

On the preceding day of the debate, February 17, the senior Senator from New York made this prediction of what would happen if the Stennis amendment, which provided for equal treatment, were adopted:

One of two things will happen. All efforts to desegregate will stop, and it will be impossible to go on; or there will be Federal interference of such size, magnitude, and depth that the country will be appalled if this measure becomes law.

I agree with my colleagues from Pennsylvania and New York. If the tragedies which are being inflicted on the public schools of the South are visited upon all of the public schools in the United States, then there would be a total breakdown of law all over the country, and the country would be appalled.

My colleagues from the South and I have made pleas in the past to grant us simple equity and justice. Since we were not able to receive equity and justice, we then asked you for equal treatment.

We have failed to receive equity, justice, or equal protection of the laws from the Congress.

We now renew our demand for fairness and justice. If the Senate again turns a deaf ear to our plea for justice, it will have a tragic impact on all of the schoolchildren of this Nation.

Do not think that you can forever succeed in punishing the South and forcing our section to bear the full brunt of compulsory racial integration by quotas. It just will not work that way.

I ask that the Senate restore sanity to the operation of our public schools by the adoption of the Whitten amendments and the Jonas amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER (when his name was called). On this vote I have a live pair with the Senator from New York (Mr. GOODELL). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the senior Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote I have a live pair with the able junior Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Having already voted in the negative, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. HART) would vote "yea."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER) and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The pair of the Senator from New York (Mr. GOODELL) has been previously announced.

The result was announced—yeas 53, nays 27, as follows:

[No. 169 Leg.]

YEAS—53

Aiken	Hatfield	Pastore
Allott	Hughes	Pearson
Anderson	Inouye	Pell
Bellmon	Jackson	Percy
Boggs	Javits	Prouty
Brooke	Jordan, Idaho	Proxmire
Burdick	Kennedy	Randolph
Case	Magnuson	Ribicoff
Church	Mathias	Saxbe
Cook	McGee	Schweiker
Cooper	McGovern	Scott
Cranston	McIntyre	Smith, Maine
Dole	Miller	Smith, Ill.
Dominick	Mondale	Stevens
Eagleton	Montoya	Symington
Fong	Moss	Tydings
Griffin	Nelson	Williams, N.J.
Harris	Packwood	

NAYS—27

Allen	Ellender	Jordan, N.C.
Baker	Ervin	McClellan
Bennett	Fulbright	Sparkman
Bible	Gore	Spong
Byrd, Va.	Gurney	Stennis
Cannon	Hansen	Talmadge
Cotton	Holland	Thurmond
Curtis	Hollings	Williams, Del.
Eastland	Hruska	Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Byrd of West Virginia, against.
Mansfield, for.
Tower, against.

NOT VOTING—17

Bayh	Hart	Murphy
Dodd	Hartke	Muskie
Fannin	Long	Russell
Goldwater	McCarthy	Yarborough
Goodell	Metcalf	Young, Ohio
Gravel	Mundt	

So Mr. SCOTT's amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OFFICE OF EDUCATION APPROPRIATIONS, 1971—AMENDMENT

AMENDMENT NO. 737

Mr. JAVITS. Mr. President, I submit an amendment intended to be proposed by me for appropriations in the amount of $150 million for emergency assistance to desegregating local educational agencies. This amendment carries forward the recommendations of the President contained in his message to the Congress of May 25.

The amendment is similar to the text of the parallel provision contained in chapter VII of the supplemental appropriation bill, H.R. 17399, as reported to the Senate by the Appropriations Committee with two important exceptions—first, the item which made the previous provision out of order has been eliminated, and second, the amendment includes as its second proviso the key elements of the three amendments including the form decided by recall—introduced on June 16 by Senator MONDALE for himself, and other Senators, including myself.

The Appropriations Committee has had an opportunity, therefore, to consider this proposal and one may find the detailed testimony concerning it on pages 733 through 781 of the hearings on H.R. 17399.

This proposal would carry out the first step of the plan proposed by the President in his May 21 message to the Congress to provide $1.5 billion in assistance on desegregation to schools throughout the Nation over the next 2 years.

In order to meet the emergency situation of schools facing September deadlines this year, the amendment would provide funds under six authorities presently existing in law. Also, as the distinguished chairman of the Subcommittee on Education, Mr. PELL, pointed out this morning during hearings of the subcommittee, this amendment will serve as a test vehicle for gauging the efficacy of the larger $1.5 billion administration proposal to which I have referred.

I ask unanimous consent that there be printed in the RECORD a memorandum citing the individual statutes, the amounts which would be utilized under each, and a description of the authority.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

1. Community development programs: $100,000,000.

Economic Opportunity Act of 1964, Title II, Urban and Rural Community Action Programs. This title's purpose is to help focus available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient. Presently funded under this authority are Headstart and Follow Through, among others.

2. Personnel development programs: $9,000,000.

Education Professions Development Act, Part D, Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education. Programs or projects under this part are funded to improve the qualifications of persons serving or preparing to serve in educational program in elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools or to supervise or train persons so serving.

3. Major demonstrations: $14,000,000.

Cooperative Research Act. This Act authorizes projects for research, surveys, and demonstrations in the field of education, and for the dissemination of information derived from educational research.

4. Dropout prevention: $5,000,000.

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