

Pitching coach George Bamberger went to the mound after Rose's single, before McNally got Tolan to pop to Belanger for the third out.

Don Gullett was Cincinnati's third and last pitcher at the start of Oriole seventh, and the Birds got their final tally on Powell's walk, Frank Robinson's single and Blair's double. Frank was thrown out trying for two bases, or there might have been greater damage.

May singled in the Cincinnati eighth, and Helms added the Reds' ninth single in the ninth, neither advancing. The fourth and perhaps final game is set for today at 1 P.M. with Jim Palmer slated to oppose the Reds' Gary Nolan.

#### McNALLY FAVORS HIS BAT OVER ARM—BIRD HURLER TREASURES HOME RUNS MORE THAN PITCHING

(By Lou Hatter)

Dave McNally willingly conceded. The Oriole pitcher prized the bat over his leathery left arm.

It was the weapon that delivered the grand-slam COUP DE GRACE of yesterday's 9-to-3 dishing of Cincinnati's Big Red Machine, boosting Baltimore's big orange machine three-up with one to go for baseball's 1970 global championship.

He had to agree with battery-mate Andy Etchebarren and Manager Earl Weaver. The leathery left arm has unfurled a more artistic mound job.

There was a happy irony to McNally's base-clearing wallop into the left-field seats, touching off bedlam among 51,773 slightly hysterical Memorial Stadium partisans.

#### LOOKED ANYTHING BUT HITTER

Moments earlier, he looked like anything but a candidate to become the first pitcher ever to clout a World Series four-run homer and only the twelfth grand-slam slugger in the classic's 67-year history.

Cincinnati's bullpen ace, Wayne Granger, had made him look like a feeble, automatic sixth-inning out with a pair of buggywhip sidearm sinkers.

"They started low and sunk lower, shoe-top high. I just swung at them," McNally recalled ruefully. "I knew I looked bad."

Then, two balls and a foul later, the right-handed-swinging Oriole southpaw connected on what he described as "an inside fast-ball, belt-high."

"I just told myself, 'Don't bail. Try to make contact. Maybe the ball will bloop in,'" McNally related afterwards. "I knew it had a chance, because I hit it good."

McNally, author of 24 regular-season victories, plus another ten days ago in Baltimore's three-game playoff sweep of Minnesota, yesterday "had a pretty good slider, but I've seen him a better fast-ball and curve many times," Weaver stated.

"I had better stuff than in the playoff game but didn't have a real good curve," McNally agreed. "I threw seven or eight slow curves early, none of them were near the plate, so I quit it. After that, I threw mostly fast-balls and sliders and tried to move the ball in and out."

Reminded of Cincinnati's 33-and-12 record this season against lefthanders, McNally replied:

#### TRIBUTE FROM CATCHER

"I can't do anything about that, I can't throw right-handed. The only thing I can do is battle 'em with what I've got."

And battle 'em he did, according to Etchebarren, who extended his long-time teammate another matchless tribute.

"He's just a great, super person. He's got more guts than any person in the world. That's my feeling," exclaimed the veteran Oriole catcher.

"Dave will go out there and pitch when he's got nothing and still win ball games. Some pitchers don't want to pitch if they

don't have good stuff. But Mac will go out there and work until he gets his good stuff back."

#### NEVER GAVE IN

"He didn't have his good stuff in this game, hardly any curve at all. But he got to a point where he was throwing a good slider and a fair fast-ball in good spots," Etchebarren added. "And he never gave in."

Etchebarren, who first caught McNally in the minors back in 1961 and his battery-mate "about 90 per cent of the time here since 1965," offered no excuses for his second-inning muff of Frank Robinson's peg to the plate, allowing Hal McRae to score the Reds' first run yesterday.

"The ball just skidded on the grass, picked up speed and stayed down 6 or 8 inches from the ground," Andy explained.

"Frank made a good throw, and I know he (McRae) is out easily. I just couldn't catch up to the ball. It just scooted under my glove."

Although a righthander, Tony Cloninger started for Cincinnati, Weaver benched left-handed-swinging Elrod Hendricks—slugging hero of the Birds' first two series triumphs—in favor of Etchebarren yesterday.

"It's just that McNally and Andy have played so long together," the manager explained. "They think together. There's less shaking off signs, not that that's so important."

"No, Mac does not request Etchebarren as his catcher," Weaver answered a question. "I just thought our line-up was best for us on this particular day. It seemed like we were going to get enough runs if we could just keep the club from scoring a lot of runs."

"Of course, you never go into a ball game thinking you're going to get as many runs as we did in this one."

The crystal ball of Baltimore's clairvoyant baseball boss apparently had overlooked the home-run bat of Dave McNally.

#### A VIEW ON ALASKA'S DEVELOPMENT

Mr. STEVENS, Mr. President, the development of Alaska's vast resources has begun. Alaskans are determined to progress with this development using new techniques that will minimize any possible harm to our environment.

Alaska Governor Keith H. Miller recently appealed to those in the Lower 48 who would block this development to understand why our resources must be developed and to recognize that Alaskans, more than anyone else, are determined to preserve the natural beauty of our great land.

In a letter published in the September-October issue of *Paclines*, Dr. Lewis H. Johnson, president of Alaska Barge & Transportation Co., Inc., expressed to a great degree the Alaska viewpoint on this important issue.

I ask unanimous consent that Dr. Johnson's letter be printed in the *RECORD*.

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

#### FROM L. H. J.

In an advertisement printed in the *Wall Street Journal* and elsewhere, the Governor of Alaska recently pleaded for understanding and sympathy from the Lower 48. He emphasized that Alaska's vast resources must be developed if its citizens are to achieve the standard of living enjoyed by most Americans. He promised stringent safeguards to insure that the "economic blessings" offered by its resources will be developed

without despoiling the natural wonders of this great land.

With his statement, we can only concur. As a company working with Alaskans for more than a decade and counting many among its employees, we believe that its people deserve more than they have received. We can vouch for the harshness of life there which is intensified by seasonal unemployment, substandard housing, primitive roads, inadequate schools and other facilities that only community wealth can provide. To deny these pioneers the right to improve their lot because of our newly-found fastidiousness about our planet Earth appears to shift to them our guilt for what we have done in the Lower 48.

The delay in settling the native land claims and the concurrent deferral of the issuance of the permit for the pipeline has once again worked a hardship on Alaska. Who cannot sympathize with their bewilderment over what seems to be uninvited interference with their efforts to control their destiny. The time has come to give Alaskans a expectation that they will profit from our misdeeds in the Lower 48 and shame us for our want of faith in their collective wisdom and intent.

LEWIS H. JOHNSON,  
President.

#### MOSCOW'S GOOD OFFICES FOR POW'S

Mr. HARRIS, Mr. President, for some of the Western Nations this apparently is one of those periods of detente with the Soviet Union. Various of the Western Nations, such as France and the West German Republic, have entered into agreements or negotiations with Moscow.

This would seem to be a proper time for our long-time allies to ask Moscow to use its good offices on behalf of the American prisoners of war held by Hanoi. Certainly, the Soviet Union, which supplies so much war material to North Vietnam, could also influence that country to comply with the basic requirements of the Geneva Convention on prisoners of war. This is little enough for us to ask of the U.S.S.R., whose very existence is owing to our intervention in a terrible war only one generation ago.

The simple act of providing a list of American prisoners held by Hanoi would be proof that the North Vietnamese Government has recognized some duty to carry out the terms of the convention which they signed.

It would also give enormous comfort to the wives, the children, the parents of these prisoners who have waited so long for such information.

#### SUCCESSFUL INTEGRATION IN BERKELEY, CALIF.

Mr. MONDALE, Mr. President, this fall, Berkeley, Calif., is entering its third year of successful elementary school integration. Berkeley is a city of 121,300 people. It has a black school enrollment of 43.7 percent and a minority group school student body of more than 50 percent; 8,600 of its more than 17,000 elementary school pupils are bused to achieve desegregation in all of Berkeley's elementary school classrooms.

But Berkeley is not simply "desegregated." It is an example of successful, stable integrated education. It is successful in terms of cognitive achievement.

have the temerity to suggest that some of our hallowed institutions of law enforcement must share the blame with students for incidents of violence and terrorism.

Spiro claimed the Scranton Commission report would be taken "as more pabulum for the permissiveness." He said it is "imprecise, contradictory and equivocal." What the report is is a thorough analysis of the components of campus unrest and the actions which spark violence. It is critical both of the student terrorists and of the control agencies which have needlessly inflicted injury on the demonstrators.

The commission called upon the President to do what he promised to do when he campaigned for office two years ago: "to bring us together." The report attributed the major responsibility for narrowing the gulf between the young people and the Establishment to the President of the United States. It said Mr. Nixon must "insist that no one play irresponsible politics with the issue."

And what really bugs the Vice President is the commissions references to the divisive rhetoric of one Spiro T. Angew, and suggestions that Mr. Nixon draw the reins on him. Should the President heed this suggestion, as well as the commission advice that "nothing is more important than an end to the war in Indochina," the country would be well on the way toward healing some serious wounds.

#### M McNALLY HURLS AND BATS ORIOLES TO WORLD SERIES VICTORY

Mr. MANSFIELD. Mr. President, I again wish to commend a fellow Montanan, Dave McNally, from Billings, Mont. On yesterday, in Baltimore, Dave pitched the Orioles to a 9-to-3 victory over the Cincinnati Reds, thus giving the Baltimore club a 3-to-0 lead in the 1970 World Series.

Not only did Dave pitch a superb game, in scattering the total of nine hits by the Reds, but he became the first pitcher ever to hit a World Series grand slam.

Typical of pitchers, Dave concedes that he treasures home runs more than pitching, and, indeed, it was his bat that delivered the grand slam "coup de grace" in yesterday's defeat of Cincinnati's "Big Red Machine." Not only will this home run live long in Dave's memory, but as the Baltimore Sun expresses it:

McNally's grand slam was the moment which will live longest in the memories of the immense throng which sat in near-perfect weather to see the Orioles edge closer to another World Championship.

As a result of Dave's home run, the Orioles' lead was increased to 8 to 1 and Cincinnati's defeat was assured.

Dave, the author of 24 regular-season victories, plus another 10 days ago in Baltimore's three game playoff sweep of Minnesota, conceded he was not at his best in pitching yesterday. Even so, he defied the averages because Cincinnati had a 33-to-12 record this season against lefthanders—but, as Dave said:

I can't throw righthanded. The only thing I can do is battle 'em with what I've got.

With all his accomplishments Dave not only is a very modest person but, in the words of catcher Andy Etchebarren:

He's just a great, super person. He's got more guts than any person in the world. That's my feeling.

I know Dave and his family very well, and we Montanans are very proud of

what Dave McNally has done since beginning long ago in American Legion baseball. We are hoping that his good pitching and hitting will continue because we know he has courage and stamina. We look upon Dave as an outstanding representation of Montanans, and I personally consider him a close friend.

Good luck, Dave, and may your success continue.

I ask unanimous consent that two articles about Dave McNally, published in the Baltimore Sun, be printed in the RECORD.

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

M McNALLY HURLS AND BATS ORIOLES TO 9-3 ROMP OVER REDS, 3-0 LEAD—DAVE BELTS GRAND SLAM, GOES ALL THE WAY ON THE MOUND

(By Jim Elliot)

Dave McNally became the first pitcher ever to hit a World Series grand slam yesterday and went the distance as the Orioles continued their demolition of the Cincinnati Reds with a 9-to-3 triumph at the stadium to take a 3-0 lead in the best-of-7 baseball classic.

A crowd of 51,773 perhaps fidgeted a bit as McNally glided into the sixth inning on a 4-hitter with a 4-1 advantage over the vaunted Big Red Machine.

But then, with two out in the sixth, McNally smashed his bases-loaded homer and coasted to an easy victory on an allowance of nine hits—all singles.

It wasn't a one-man show by any means, Frank Robinson and Don Buford also slamming homers for the American League champions. In addition, Brooks Robinson crashed a two-run double and Paul Blair doubled a run across to further highlight the Orioles' 10-hit assault on three Cincinnati pitchers.

Meanwhile, the Oriole defense continued to amaze, Brooks Robinson and Dave Johnson making sensational diving stabs of line drives off the bats of Cincinnati stars Johnny Bench and Pete Rose to stifle the Reds' efforts to get something meaningful under way.

As things developed, it was Buford's homer off Cincinnati starter Tony Cloninger with one away in the fifth inning which supplied the fourth and what proved the decisive run.

#### M McNALLY HITS IT

But McNally's grand slam was the moment which will live longest in the memories of the immense throng which sat in near-perfect weather to see the Orioles edge closer to another World Championship.

With one out in the sixth, Blair lined his second of two singles through the box to center, and a great roar went up from the crowd as Sparky Anderson, manager of the Reds, went to the mound.

The standing ovation wasn't for Anderson, who was out to change his pitcher from Cloninger to Wayne Granger. It was for Brooks Robinson who in the top of the sixth had dived to his left for another unbelievable play—stealing a sure hit from Bench on a line shot.

#### BROOKS RESPONDS

Brooks responded with his second of two doubles, lacing the ball to the wall in left and chasing Blair to third base.

With first open, Anderson, who readily admits he has been outmaneuvered by the Orioles' Earl Weaver thus far in the Series, ordered an intentional walk to Johnson.

It appeared that the strategy would pay off handsomely when Andy Etchebarren struck out and the count went to 0-2 on McNally.

But then Granger tried to get McNally to go for something less than a strike, and quickly the count rose to 2-2.

It was here that the 26-year-old righthander came in with a ripe pitch—a fast ball over the inside corner and about belt high. McNally swung, and the crowd immediately roared, knowing that the ball was heading for the bleacher seats in left, up half a dozen rows and carrying 360 feet.

#### FRANK GOES 3-FOR-4

Hardly anticipating the grand slam from a pitcher, the crowd leaped to its feet as McNally rounded the bases, and the Orioles were romping, 8-1.

Buford then bounced back to Granger and if the Cincinnati reliever unnecessarily fired the ball to first for the final out as it appeared he did, it was entirely understandable, Cincinnati's defeat was assured.

Frank Robinson breaking out of an 0-for-9 slump in the first two games, was 3-for-4 for the Orioles with two singles in addition to his homer.

Blair, now the Series player with the most hits, was 3-for-3 plus a walk and boasts 6-for-12 overall, good for a .500 average.

McNally wasn't at his best, just as weren't Jim Palmer and Mike Cuellar who started the earlier games, but he was better than needed as he became the first Series pitcher to go the distance.

Employing mostly fast balls and sliders, McNally struck out five and walked two. An occasional curve appeared including one he used to fan dangerous Tony Perez in the sixth. That was a thing of beauty.

Hall of Famer Lefty Grove hardly had completed his windup and tossed out the game's first ball when McNally was in deep trouble.

#### DOUBLE PLAY

Rose, hitless before yesterday, ripped McNally's first pitch of the game for a single past short into center, and Bobby Tolan dropped a perfect bunt down the third-base line on the next one.

But with runners at first and second, Perez bounced high to Brooks Robinson, who reached up for the ball, ran over to touch third for the force, then threw to Boog Powell for the back-breaking double play. Brooks caught Bench's explosive liner slammed right at him for the third out.

The Orioles then did something new—scoring first for a lead they never relinquished after they had come from behind in the first two games.

Buford drew a walk on Cloninger's first four pitches. With two away, Buford raced to third on Frank Robinson's hit-and-run single lined to right. Blair walked on a full count to load the bases.

Then Brooks picked on a 1-1 delivery and smashed it to left-center for a two-run double, and the Birds were winging.

With one out in the Cincinnati second, Hal McRae singled to center and took second on Tommy Helms' topper to third.

Dave Concepcion singled to right, and Frank Robinson's throw appeared in time at the plate, but the ball skipped through Etchebarren, McRae scoring, and Etchebarren was charged with an error when Concepcion continued to second. McNally struck out Cloninger to end the frame.

After Johnson dived to his right for a sensational grab of Rose's liner in the top of the third, Frank Robinson sent the Birds on top with his 430-foot homer over the fence in center in the Oriole half.

#### TOLAN POPS OUT

Buford's clout was a 375-foot job into the bleachers in right, and Brooks Robinson's diving stab of Bench's liner in his webbing in the top of the sixth warmed the fans additionally for McNally's wallop, only the 12th ever hit in 67 World Series.

The Reds scored twice in the seventh when May walked, McRae singled, Helms forced McRae, singled, Helms forced McRae, Concepcion hit a sacrifice fly, Woody Woodward got a pinch-hit single and Rose's single plated a run.



Reading test scores, for example, show accelerated performance by both advantaged and disadvantaged students as a result of integration. But more important it has been successful in human terms. Teachers' attitudes toward disadvantaged students and their methods of teaching have changed and improved. Black and white students accept and understand each other. As one teacher has said:

I think if we'd done this 10 or 15 years ago, many of our racial problems would be solved by now. The children are so accepting of each other with no racism that I can see.

Mr. President, I commend to Senators an article entitled "How School Busing Works in One Town," written by Gertrude Samuels, and published in the New York Times Magazine on September 27, 1970. 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:

[From the New York Times Magazine, Sept. 27, 1970]

#### HOW SCHOOL BUSING WORKS IN ONE TOWN (By Gertrude Samuels)

BERKELEY, CALIF.—Every day of school, more than 17 million children, or more than one-third of the country's total enrollment, go to school by bus because that is the best and safest way for them to get there; the figure does not include the large number who also go to school by public transportation. Yet with the opening of the new school year, busing as a way of integrating school systems is a major source of controversy, disrupting communities all over the country.

In Charlotte, N.C., the program that will send white children from the suburbs to inner-city black schools this year has created tension and bitterness. In Mobile, Ala., confusion marked the opening of the academic year as white students stayed away from black schools, to which they had been assigned in an effort to achieve desegregation, while black students assigned to white schools showed up in force. "It's an asinine law, and it's theirs [the Federal authorities] and they can enforce it," said a city spokesman. The Mobile school district, along with Charlotte, N.C., and Clarke County in Georgia, filed appeals testing a broad range of school desegregation measures, including busing. The appeals have been scheduled to be heard on the opening day of the Supreme Court's new term, Oct. 12. Such incidents reflect the findings of a recent Gallup poll, which showed that 86 per cent of the American people opposes busing to achieve racially balanced schools, an attitude encouraged by President Nixon's strong opposition to busing. "In the case of genuine de facto segregation."

I came to Berkeley not long ago because this multiracial city has maintained a successful busing program for two years. It is the first city of more than 100,000 people (population 121,300) and a sizable black school enrollment (43.7 per cent) to use busing to achieve total integration in all its classrooms.

Since September, 1968, the Berkeley Unified School District has been transporting nearly half of its elementary pupils (8,600 this year) to and from school by bus. Prior to 1968 its junior and senior highs had long been desegregated; now the lower grades are also integrated. The youngest black pupils, kindergarten through third grade, are bused to the better "hill" schools, formerly middle-class and predominantly white; while the older white children, fourth through sixth

grades, are bused down to the "flats" section, where the schools were once predominantly black.<sup>1</sup> In the city's elementary schools integrated teaching staffs are headed by eight white, four black and two Oriental principals.

For both races the last two school years have been a time of discovery. In ending "genuine de facto segregation," educationally if not residentially, the people had stopped feeling from reality and begun to change it. As one black administrator put it: "We haven't reached the ultimate yet—but we're showing that black and white children can study and work together, that diversity of achievement levels can be recognized by the teacher and worked with."

Berkeley's impressive undertaking, which has changed the character of the lower schools and to some extent their teaching techniques and teachers' attitudes, is dramatized daily as the yellow school buses make their rounds.

At 8 o'clock in the morning sunshine on the corner of Cedar and Scenic Streets in the hill area, a score of white boys and girls, 9 to 11 years old, are waiting in a double line chatting with friends as they unleash their yo-yos. The huge yellow vehicle with "School Bus" lettered in black across the front, pulls up and the children pile in, greeting the driver: "Hi, Mrs. Gorla . . . morning, Mrs. Gorla." Mrs. Barbara Gorla is an attractive young mother in plaid trouser suit, who has a daughter in college and two children in the Berkeley schools. Like all the drivers, she has qualified in special driving and first-aid tests.

She returns the greetings, urging the children along ("Let's fill up the back seats first, kids!") to leave room for passengers to come. The bus, which holds 80, is one of 26 used by the Berkeley Unified School District. As it proceeds from one pleasant, wooded neighborhood to another, it makes five stops in the space of a little less than a mile, picking up 50 more white and two black pupils. These are the "hill" children who once attended the more prestigious schools near their homes. They are well-behaved, talking in low tones, studying their books, staring out of the wide windows as they are driven down the hill through the commercial area to the flats. The destination is Longfellow School, once predominantly black. Now it is more than 50 per cent white.

"I'm glad I go to Longfellow," 12-year-old Mike replies to a question. "Like you meet new people—black, Chinese. They're different from what you used to know. The whole Whittier gang is right here," he adds with a laugh, and others nearby join in. (Whittier School was predominantly Caucasian.)

The flats section is the more deprived part of town, although it is hardly a ghetto in the traditional sense except that the population is almost wholly black. The neighborhood is neat and clean, with two-story frame and stucco houses and trim lawns. At 8:20 the bus pulls up at Longfellow (for fourth to sixth graders), a low mass of buildings that resembles a barracks. A palm tree rises above the playground. Mrs. Gorla deposits her busload—"Don't forget your books! Have a nice day!" Then she turns the bus and starts out on her second route, still in the flats.

At Sacramento and Ward Streets, black children are waiting, younger than the Longfellow group, neatly dressed, plaits beribboned, shoes shined. After several such pickups, the bus heads back to the best part of town in the hills. As it travels up the steep streets, the children gaze out at the

beautiful, landscaped homes, with their magnolia trees, palms and ivied lawns. It takes skill and nerve to maneuver the big bus on the steepest grades, and the noise from these younger children is so deafening that Mrs. Gorla finally has to remonstrate: "Let's all quiet down, please. . . I don't want anyone standing up!"

The busload is more outgoing, noisier, gayer than the previous passengers. Six-year-old Phyllis, in yellow sweater and an Afro cut, likes the bus ride "because I can read." Karen, in plaid coat and carrying a rolled-up umbrella, says: "Hillside's cool! I like painting." But Royal, 9, in Karen's class, shrugs: "Well, I'd rather be in Longfellow, because it's in my neighborhood."

Some kids chant a song:

"My mother gave me a nickel  
My father gave me a dime,  
My sister gave me a boyfriend  
Who kissed me all the time."

On a hilltop overlooking San Francisco Bay, we reach Hillside School—kindergarten to third grade. Its gracious two-story Tudor-style main building, modeled after an English estate, stands behind thick shrubbery. The large playground is well-equipped.

"Bye Marie . . . Karen," Mrs. Gorla says, helping the children off. They chorus affectionate good-bys. To Mrs. Gorla these are "my children." "Have a nice day," she calls.

The city that has adopted this elaborate busing schedule is one of the loveliest in the country. Berkeley has a temperate climate and splendid vistas of green hills, exotic gardens and the Golden Gate. It has no dreary core ghetto like those in New York, Chicago and Washington; yet the southwest section of town, while no slum, is certainly segregated. Berkeley voted against a fair-housing ordinance so as to maintain residential segregation; Negro unemployment sometimes rises to 20 per cent compared with a white-unemployment rate of 5 per cent.

Berkeley's best-known asset is the University of California, grandfather of the student and teacher protest movements and biggest employer in town, providing jobs for about one-third of the 50,000 working residents—from professors, scientists and administrators to guards, clerks, tradesmen, etc. The city is a community of contradictions: old-timers, retired persons and Birch Society types contrast with Nobel Prize winners and educators with liberal and radical views; with the long-haired, scruffy young adults of Telegraph Avenue, and the Black Panthers whose national headquarters are now here.

Busing and the integrated school program it implements didn't happen in Berkeley overnight. They would never have come about without the persistent, aggressive initiative of leaders in the black community, and a courageous, liberalized Board of Education. Liberalization began in 1961 when black and white groups favoring a new educational approach managed to elect three representatives to the board, among them its first black member. Initial recommendations for fully integrated classes, starting in the elementary grades, stirred a bitter dispute culminating in 1964 in an unsuccessful attempt by a parents' association supported by the local newspaper, The Berkeley Gazette, to impeach the board.

In the years that followed, civic forces under the guidance of Dr. Neil V. Sullivan,<sup>2</sup> a powerful innovator who became superintendent of schools in 1964, assembled data on how integration could be achieved. Through the media and malls, school officials

<sup>1</sup> The 1940 Census showed Berkeley's population to be 93.8 per cent Caucasian, 4 per cent Negro, 2.2 per cent "other" (Mexican or Chicano, Oriental). In 1966, the population was 25 per cent Negro, 5 per cent "other." Today the black-pupil enrollment is 43.7 per cent.

<sup>2</sup> Now Commissioner of Education in Massachusetts. His book, "Now Is The Time" (Indiana University Press), with a foreword by Dr. Martin Luther King Jr., recalls the history of integration in the Berkeley schools.

also invited education specialists and the public to submit plans for desegregating the schools.

Of 50 such plans submitted, five were finally chosen for closer study by the administration, faculty groups and civic leaders. Discussions were held in P.-T.-A. groups, churches, community centers, private homes. Questions were raised: Why not close all the black schools, as the city of Sacramento had done, and bus the black children to the white schools? Could white teachers work with black children? Would absorption of blacks in a Caucasian culture preserve the proud identity of the blacks? There were pleas from some to "stop the whole thing."

In late 1967 a staff advisory council on integration voted unanimously for what has come to be known as the K-3, 4-6 plan. No school would be closed or sold. There would be no mere busing of black children to white schools in some condescending spirit of paternalism. There would be a rezoning of the existing system as well as marked changes within the classroom.

Experimentally, all elementary school teachers now entered a "teacher exchange program," black teachers going into the hill schools and white teachers to the flats for a brief period; and in a "dry run," more than 200 black children were bused to white schools. In January, 1968, the plan was adopted by the school board at a public meeting. The changeover now belongs to history. The buses began to roll the following September.

Berkeley's K-3, 4-6 program reorganized the entire elementary school system by dividing the city into four attendance zones, each containing one large 4-6 (fourth through sixth grade) school and several K-3 (kindergarten through third grade) schools. The busing pattern was developed by computers. First, a card for each school child was prepared containing information on age, race, address and school was fed into computers at the municipal Data Processing Center. The results of this study guided the school district's Office of Transportation in working out "ride zones" for 3,500 children. (These zones covered routes and stopping points where buses could pick up and deliver children safely at designated times.) "Walk zones" were similarly devised for 5,100 children who lived within walking distance of their classes. Before the busing plan went into effect, each parent received a card explaining about routes and schedules. Parents were even taken on dry runs on the buses to ease any fears concerning the safety of their children.

Along with the new busing plan, Berkeley undertook another innovation, an approach to classroom teaching embodying the concept of heterogeneity. For Berkeley, in fact, the cornerstone of its busing-to-integrate program is the heterogeneous classroom with its basic proposition that, in a pluralistic society, mutual benefits accrue to all races when they are brought together for learning purposes.

Before integration, the hill teachers had worked with homogeneous classes of white children representing basically the same socioeconomic background and middle-class values and grouped according to ability and performance within the classroom. Down in the flats, teachers, both black and white, had similarly worked with their predominantly black children, many of whom, however, were behind the white children in terms of the basic skills—reading, language, mathematics. Under the ability-grouping program, sometimes called "tracking," children of the elementary schools eventually entered the more rigid "tracking" systems of the junior and senior high schools. This practice could, and often did, label a child for his entire school life ("He's a No. 3" or "he's a No. 7, the 'dumb' track.")

According to Mrs. Harriett G. Wood, a black administrator who taught here for a dozen years and is now director of elementary education: "The basic problem was that black kids had been getting an inferior education before integration. In their old schools, there was a sort of overriding, debilitating, low self-image that becomes a kind of vicious self-fulfilling prophecy. Kids should see themselves in the whole society."

As worked out here, heterogeneity, considered the ideal integration, deliberately created racially balanced classes. These were not merely composites of all races but also contained a broad range of intellectual ability, all the way from mentally gifted children to the slower learners in the "normal" range. This approach was adopted partly because of the black community's demand that its children receive education of the same quality that the whites enjoyed (tests had shown that black children in black schools simply did not do as well as whites). It also recognizes the fact that in real, everyday life people have to deal with many racial types and many kinds of mental ability. Berkeley wanted all of its children to function adequately in that real society.

The 1968 changeover meant that educators had to find effective ways of teaching in a class composed of children of different socioeconomic backgrounds, different achievement levels and different life styles. The former ability groupings were dropped, for it was recognized that, without breaking up the old "tracking" system which separated quick learners from slower ones, busing would still mean segregated classes and would perpetuate the old superiority and inferiority feelings.

"Tracking" was replaced to some extent by "performance groups," but these were so flexible that, as children improved in reading, math and science, they could move freely from one grouping to another within the same class. As Theodore F. Blitz, principal of Hillside, put it: "The old homogeneous class tended to take away any educational stimulation and opportunity from those who were designated for the lower track. Our goal now is to help children to function academically in the heterogeneous class, whether at a study assignment, a work assignment, a reading assignment, or independently."

"This is a vast improvement. We're finding that our able students are going just as far, and making just the same kind of progress, moreover, as they did in the basic skills before integration. There's been no sacrifice, because able learners go ahead in spite of what any school is doing. They have the ability to learn and to create a class atmosphere in which they—and others—can learn."

As an example of the new, flexible, heterogeneous class in action, seven children in a second-grade reading group, a unit ranging from slow to very fast learners, were analyzing a main idea in a paragraph and learning vowel sounds. Later a group in the same class, all accelerated readers, worked on some stories about horses, sharing their information together. These advanced readers were going at their own pace, too.

I visited many classes in Berkeley, focusing mainly on two schools—Hillside (K-3), a prestigious hill school once considered racially impregnable, and Longfellow (4-6) in the flats, because it is the largest intermediate school, to which Hillside eventually sends its youngsters.

Hillside has 375 children, 44 per cent of whom are black, and 21 teachers, including four part-time specialist aides for remedial reading. The white pupils are mainly from hill or mid-Berkeley families where often both parents have university degrees. The blacks are mainly from poor, working-class families.

The emphasis at Hillside, as at other ele-

mentary schools, is on reading, for many of the black children are limited in their use of language, a serious handicap. Reading and the language skills are, of course, essential in coping with other subjects like math, social studies, science. When you can't understand what is going on in the classroom, it becomes too painful to be there; the youngsters begin to slide and the result is often avoidance, anger, escape, truancy or worse.

Under one technique adopted at Hillside, teachers employ a "language-experience approach"—the child's own vocabulary becomes his reading vocabulary. A first-grader, for example, may be fascinated by racing cars and have words relating to them in his vocabulary. Instead of being compelled to study words familiar to boys and girls who live in the suburbs but which he can't grasp or "see," the youngster is invited to tell a story in his own words about racing cars. The teacher types out his story and then helps him to read it, identifying the words and learning the sounds that the letters represent.

In the language-arts class of Mrs. Patsy Tanabe, a Chinese-American, the desks of the children, black and white, boys and girls—are pushed close together. Nine-year-old Lyanne reads her story to the class: "I went on a hike. We were crossing a river when Dennis spotted a burned-out tree and went the long way thinking it was a jungle. . . ." A black boy, listening intently, breaks in with questions about the jungle. Lyanne explains she invented that part.

"There had been a tendency," Mrs. Tanabe told me later, "for the more verbal white kids to speak more often—they've got more to say. The black kids tended to listen and not participate as actively." So Mrs. Tanabe devised her own incentives to encourage the black pupils (and some shy whites) to be less inhibited. One was a "Speech Certificate" bearing an impressive gold seal. Children could earn this by bringing in original stories about some happening and reading their stories to the class. Now many more black children, working for a certificate, are volunteering to speak out and share their ideas.

"I'm getting the ones who have never spoken even one word in class," Mrs. Tanabe said with pride, "and they're good talkers now."

In the room of Mrs. Margaret Jukes, a large, vibrant woman, whose husband and three children are all teachers, books by the score are piled helter-skelter on chairs, crates, window ledges, desks and shelves. Mrs. Jukes teaches second and third grades together in tandem. With the changeover of the heterogeneous class, such multi-age groupings, combining two or more grades, are not uncommon. Mrs. Jukes has found them "very exciting, very challenging."

Among her 26 children are 11 "high potentials," including second-graders doing third-grade work, and two so-called E.H. (emotionally handicapped) black children.

"The beginning of this year worried me," she said. "There were some children so educationally deprived they couldn't read C-A-T. Now they're doing beautifully, and that's what matters to me, the growth of the children. Many of them don't have books in their homes. So, as you can see, I make books and materials available to them. When they come to me, they're coming to books."

June Long, a young, mini-skirted black teacher with a red Afro cut, now on leave to work on her law degree at the University of Santa Clara, chaired the advisory committee that created what is considered Berkeley's most important tool for orienting teachers in the new methods: an in-service training program in minority history and culture designed to help teachers, white and black, who may have hangups about racially mixed classes



"As a black person in this culture," she told me in her soft, slightly cynical tones, "I am not interested in helping develop cultural mulattos out of black children. I am interested in the positives of a school environment—in the honest exchange and sharing of life styles and beliefs and values. I'm concerned that children learn to *think*—and I don't mean think what I think or what I tell you to think, but to use the basic tools to think independently."

Hillside typically has about 40 children (10 per cent) with severe reading problems requiring a specialist's attention. Of these, 30 are black. In a small, quiet room, for hourly periods each week, these pupils cluster around Mrs. Brenda Starbird, who works with them on basic sounds. "TH" is printed on the blackboard and the youngsters make words as they follow the teacher's lips: "THimble . . . THink . . ." They are 8- and 9-year olds doing first-grade work.

Not all of the teachers experience the same problems in the heterogeneous classroom. Mrs. Jeanette B. Russell, a kindergarten teacher at Hillside, says firmly: "I didn't want to change my teaching techniques as the black children came—to 'teach down' to them. I simply wanted to maintain my high learning expectations for all the children. On the whole I've not been disappointed. I'd had children with reading difficulties before, and actually the newcomers didn't present that many problems. What I did change was one teaching approach—more individualized instruction than ever before. And in changing, maybe becoming a better teacher in the process."

Like all of Berkeley's certificated personnel, Mrs. Russell had been in the "teacher exchange program" prior to integration when for a week or more, black and white teachers had traded classes and taken orientation courses. While this apparently did not affect her approach to teaching, it had changed one attitude: "I find that I've become more physical—showing more affection and praise than ever before," she said. "These little ones are much more responsive than the white children, more loving in some ways. I suppose I began responding to what I was getting from them. Do you want my honest opinion now? I think if we'd done this 10 or 15 years ago, many of our racial problems would be solved by now. The children are so accepting of each other, with no racism that I can see."

Longfellow (4-6) School is known as a University of California laboratory school, attracting large numbers of teachers in training. Corridor walls proclaim in dozens of signs and posters that learning is "in": "Reading is cool, man!" "Brain Power is a Swingin' Thing!" The school is so large that its 37 teachers and 1,050 pupils have been divided into two sections to bring pupils, teachers and parents into closer contact in smaller administrative units.

The teachers work in teams, each teacher on a team taking responsibility for developing materials in his field. This system, as one official put it, recognizes that a teacher is human and can't always relate to every child in the class; if one teacher can't, another on the team probably can—and the child, instead of being stuck with an "I-hate-teacher" attitude, can communicate with some adult instead of feeling rebuffed. The approach makes for a "built-in compassion" for both teacher and child.

The curriculum provides black studies for all students, black and white. In one black-studies classroom, Mrs. Bayonne Holmes, a handsome young black teacher in dashiki and high Afro cut, guides her racially mixed class of 10- and 11-year-olds through a discussion of the black man in America, using a film strip entitled "The Fight For Our Rights—The Right To Vote."

"We're all made of the same stuff—and we all feel the same way, well, most of us," one white boy blurts out.

Not all teachers at Longfellow have multi-graded classes, but the trend is certainly in that direction; in fact, some schools have gone over completely to multiple-grade teaching. Miss Jo Ann Cheeseman, a white teacher, middle-aged and motherly, who taught in predominantly white schools before, has fourth, fifth and sixth grades among the 29 children in her class. I asked if it was difficult to teach three grades in one classroom.

"Difficult? Yes. This is a fantastic range," she said, "with some sixth grade children who don't know the difference between a sentence and a question, all the way up to children doing compound sentences and brilliantly creative reports."

"But I've learned, too," she went on suddenly.

"Like what?"

"Like kids are kids! I had fears of how I was going to handle this diversity. I had impressions—what to beware of, the emphasis on the needs of the blacks. And it turned out," she went on quietly, "they were . . . kids. The main difference I found out about them was that they were poor."

"Now I guess it's me trying to meet the needs of these very divergent children."

"I can do it. I'm seeing results. I have one boy, 10 years old and black, he was a frightened child, a grade level below the class. He'll never set the world on fire. He had great difficulty in listening and then translating anything into action. He made a lot of growth this year. He needs polish, but I can't keep him busy enough. I give him five days to do a report, and he brings it in within three. Before busing he would have seen only black kids, poor work habits, poor school models, like himself. It wasn't the 'in' thing to learn as it is now."

A large black girl of 10 came up to listen. She hung on Miss Cheeseman, then shook her up with: "My cousin, he's 17, and he's in jail. Someone put a gun at his stomach and him and my cousin are in jail for disturbing the peace." She said it routinely, as though relating a simple fact of life in the flats.

Heading the staff and a symbol of the new order is 31-year-old Richard Hunter, youngest principal in the district. A tall, dynamic black man with a high Afro, he is a well-known figure in classes and on the playground in his brightly-colored shirts and blazers. He taught in the Berkeley and neighboring Richmond schools and is currently working on his doctorate at the University of California.

"I'm aiming for the sort of experience here," he said, "that really turns kids on, provides them with the tools they need to be successful in living and later in working. Too often in school, teachers turn students off. Putting black and white children side by side in a classroom is only a first step. The significant thing is to get them to relate to each other, speak to each other, care about each other. That is our role as educators. When these human relationships become real, then we're moving on our basic objective, which is integration. This will cut across the whole district then, and not just the classrooms."

At Longfellow, as in many other schools I visited, adult volunteers have been helping as instructional aides, some for pay (three days a week), some "on their own" for the pure fun of tutoring. The district's School Resource Volunteers—parents, university students, other residents—increased from 600 in 1968 to nearly 800 this year.

Mrs. Eileen Gilbert, who teaches fourth, fifth and sixth grades, in tandem at Columbus School in the poorest section of the flats,

depends heavily on her aide as a bridge between school and community. "So many families think if you just send a child through the door, he'll learn," she said. "But every teacher knows that what a child can learn depends on his experiences inside and outside the school." There are several black teacher-aides at Columbus, young mothers from the neighborhoods, who had in-service training to help tutor slower children. "This gives the child a model whom they can easily identify with, and also helps to ease my way with the child."

Another of Mrs. Gilbert's innovations is the "learning team." Periodically the class is divided, (by placing the desks in circles) into six teams with the aptest students acting as leaders. In this way, as the teams study a math or science concept, the fast learners stimulate the slow ones, helping them to think through an idea. Mrs. Gilbert finds that such new teaching tools also give her insights as a teacher into the needs of individual pupils that she must meet.

It is sometimes argued that Berkeley is atypical because of its unique assets, physical and intellectual. Yet for a city of its size with its ethnic and housing patterns, it does reflect the problems in interracial communities everywhere.

Before Berkeley undertook its busing program, five major objections were raised: (1) it would mean too much moving around for the children; (2) busing would be too complicated and inefficient; (3) it would provoke a white exodus; (4) disciplinary problems with strong racial overtones would develop; (5) the new sociological emphasis would dilute the quality of education.

In fact, recent studies show: (1) less than half of the elementary children are actually using buses; (2) routings were worked out so carefully that no bus takes more than half an hour for pickup and delivery of passengers. (The actual cost of busing is negligible—less than 1 per cent of the school budget, which works out to 45 cents a day per pupil.)

(3) Some people did move because of busing (they moved because of taxes, too,) but as shown in the schools' racial census, the shift was under 2 per cent. (4) There have been disciplinary problems, mostly during the first year, but nothing of a significantly racial nature.

(5) It is the issue of academic achievement that has generated the most heat among educators and parents. It is, of course, too early for conclusive studies of the ultimate effect that Berkeley's new style of schooling will have on quality education. But local foes of integration, and some liberals, using a set of figures distributed six months after busing started, argue that academic excellence is being sacrificed. School board officials and other experts, using more current data, say there is no proof that this is happening.

The critics have attacked the school board for "the academic failure of the Berkeley schools," basing their charge chiefly on the results of the standard Stanford Achievement Test (S.A.T.) administered in the spring of 1969. According to those S.A.T. scores, the highest achievers in the sixth grade, for example, had fallen below their potential; they should have been doing better than 93 out of 100 students, it was argued, while actually they were only doing better than 67 out of 100.

But the school administrators hold that such traditional data are not true indicators of achievement or potential, especially among minority populations, being based arbitrarily on reading skill. By last fall, even the state government—no supporter of busing—had itself switched from the old S.A.T. method of scoring students to the new C.T.B.S., or Comprehensive Test of Basic Skills. According to school administrators, test figures

for last spring, using the C.T.B.S., showed no significant difference between performance of pre- and post-integration classes of the first six grades.

As for reading itself, school spokesmen point out, reading test figures are actually beginning to show a significant difference between performance of pre- and post-integration classes of the first six grades, whether the children are high or low achievers. Before integration, low-achieving students grew from 4 to 7 months in one year's time. The post-integration rate, based on last spring's figures, shows a growth of 6 to 11 months for this group. The high achievers, before integration, made from 10 to 12 months' growth during the school year; post-integration figures show 13 to 15 months' growth.

"For the future," asks Dr. Arthur Dumbacher, coordinator of evaluation for the Berkeley schools, "why shouldn't we hope for tests to assess growth in behavior and attitudes? These domains involving feelings, values, responses are harder to measure."

Now as court-ordered busing to desegregate schools continues to disrupt other communities, the fears and opposition here in Berkeley have declined. A survey conducted before busing indicated that 52 per cent of Berkeley's parents opposed the idea (70 per cent of the Negro parents were in favor of it). Recent estimates show only about 30 per cent opposed.

Dr. Richard Foster, successor to Dr. Sullivan as superintendent of schools, told me: "I've been here over a year and never get a question on busing. Berkeley in my judgment is past the stage of discussing that. Busing as an argument," the heavy-set man with bushy, white sideburns went on in a hard tone, "is an acceptable escape for racism. People can't say they're really afraid of having their children exposed to the black race, so they use busing as their excuse for opposing integration. Yet in a pluralistic society, it's through the early association that you learn loving—pluralistic loving—isn't it?"

It will take some years to make a reliable assessment of how the innovators—the civic leaders and the educators—feel about their system, but some reports are noteworthy. Superintendent Foster has noted among the "positives" "the enthusiastic and dedicated spirit of the teachers, aides . . . lay citizens and volunteers, all working cooperatively to make our program succeed." Among the "negatives": "The feeling of some parents that bright children were not having a fair share of teacher attention because of time spent on discipline problems; some teachers' unrecognized biases toward both black and white children."

One principal on the other hand, has commented: "My most singular 'positive' is the growth I have seen in my total staff as teachers and human beings. Some have grown more than others; some had farther to go; some may never 'make it.' But for the most part, teachers are working harder, learning more, teaching more, and growing more than I had ever anticipated. The kids are beautiful. Some of them won't make it either, but most will."

Mrs. Wood, director of elementary education, puts it this way: "When you desegregate every school, then every classroom is going to have proportionate black kids and white kids. So there was no need for any teacher to rush toward these former white or former black schools. That was one of the beauties of the two-way busing that we achieved here. I think teachers have learned from the integration experience and that parents have profited from it, too."

"I would assume that the public schools, even these at Berkeley, have not been immunized against all of the things of our society that inculcate racism in us. There is latent racism in teachers throughout the

nation, though I feel we have fewer of them here. Good teachers are adjusting to children on the basis of what they actually need to learn, not on color. In poor teachers it shows up in such things as low expectation of blacks, a sort of rationalization that 'the poor things can't do this,' say with a math assignment, and accepting a half-done paper from a black, while insisting that the Caucasian student perform as directed."

"Some may change during their in-service training," adds Bernard Flanagan, director of certificated personnel, who also heads the teacher recruitment program, "or for all we know some may not want to change, and get out for themselves. The usual reason is the offer of employment elsewhere, never 'racism.'"

Among the 1,000 teachers working in the Berkeley schools, there is today a 10 percent turnover (leaves of absence, retirement, resignation)—the same turnover rate as before busing. Although last spring there were only 24 openings on the teaching staff, the district received more than 8,000 applications.

Among those still firmly opposed to Berkeley's program of integration by busing is Dr. Arthur R. Jensen, the U. of C.'s controversial educational psychologist, who maintains that genetic differences between blacks and whites result in lower I.Q. scores among blacks taking intelligence tests.

"I think that the schools by themselves are not going to build an integrated society," Dr. Jensen says. "But greater equality of occupational opportunities, enforcement of open housing laws—those things will bring natural integration in the schools. In some places it could take hundred of years. In others it shouldn't take long. I support the views of President Nixon and Vice President Agnew on this matter of preserving the neighborhood schools. Neighborhoods happen to be socio-economic, and because of this, racial in aspect."

Also unreconciled to the new program is Michael Culbert, executive editor of the *Gazette*. "We certainly questioned busing, and we still do," he says. "It was new and innovative, and it still is. The school district has had a descending spiral of academic achievement for several years. I personally attribute it to the changes in educational priorities in which social change—meaning integration of the races—becomes a first priority, and hard-core, basic skills—meaning reading, writing and math—come in second."

Would he like to see Berkeley give up busing?

"No. But so far we doubt that the district is delivering on its promise of quality education."

On balance, one finds that the new type of schooling has been breaking down clichés while not living up to all the fears or all the expectations. What Berkeley has certainly done is give a new dimension to school integration: the learning and working together of all races in the heterogeneous classroom, in meaningful numbers in a meaningful way.

And with busing so widely accepted here, many people are now worrying more about the drug problem involving the older youth, and the hippies, who hang around the campus but are not students. Dr. Alan Wilson, professor of education at U.C., father of four and a strong advocate of the Berkeley program "because it's morally right," declares: "I feel that the parents I know are more concerned with the young people's alienation, the dropouts of society, the use of drugs in this community. No one is a real expert of the subterranean movements among youth today, but there certainly is a fairly widespread delegitimation of the Establishment, which applies to the university as well as the national Government."

More than 100 years after the end of the Civil War, and more than 15 years since the 1954 Supreme Court decision to desegregate the schools, there are black schools and there are white schools all over the country. Is the Berkeley plan worth imitation by other communities? Most people here seem to be saying yes, for there is no move to drop busing to integrate, and the opposition to it has been declining.

In her small frame house in the flats section, Mrs. Mary Johnson, president of the local branch of the National Association for the Advancement of Colored People, whose 8-year-old grandson, Michael Dulaney, is in grade school, reflected on the years of preparation in Berkeley before busing, and the controversy over busing now raging throughout the country.

"Our children will be something to watch," she said. "The Berkeley children are recognizing that their likes and dislikes are identical and there's nothing racial about them, contrary to what they may have learned at home through myths and prejudice. It's my hope that 10 years from now, these kids—black and white—will be the nucleus of a new and a better society for having had this experience. And had it in their earliest, formative years."

#### DENVER, WITH ONLY MINOR VIOLENCE, BEGINS ITS SECOND YEAR OF FORCED INTEGRATION IN SCHOOLS

(By Anthony Ripley)

DENVER, September 26.—One of the largest cities outside the Deep South to have had racial balance and forced busing ordered by a Federal Court, Denver is moving cautiously into its second year of expanding public school integration.

The task has not been simple. It is clouded by legal action, confused by school boundary changes, opposed by a conservative school board and disrupted by occasional violence.

This week, name-calling between two girls—one black and one white—exploded into a lunchtime melee in the halls of George Washington High School. It left several persons slightly injured and touched off two days of interracial fighting. The insulting remarks were made at a meeting to discuss racial problems.

The high school received an extra 225 black students when it opened Sept. 9, doubling the number of blacks at the 3,000-students school, situated in a white Denver neighborhood.

The sporadic fighting has been ammunition for opponents of integration. But racial conflict has been minimal in the 119 schools of this capital city of 512,000 population on the high Colorado plains east of the Rockies.

#### LITTLE TENSION REMAINS

School officials are learning that the tensions of a newly integrated school seem to diminish over a 12-month span. Schools first integrated a year ago reopened this fall with little of the tension of last year, a school spokesman said, and a high rate of vandalism by students on buses has fallen off sharply from last year.

Such signs have made those black leaders who support integration more confident of the future. While publicly cynical about the actions of the school board and school administrators, they are optimistic in private conversations.

Only four schools—two in 1969 and two more this year—have been ordered to adjust racial balances so far. But the effect of the changes has spread through more than 30 schools in the district, which have also had to adjust.

An additional 15 schools have been ordered to follow suit in 1971 and 1972; undoubtedly bringing with them changes throughout the entire school system.

The current school population of 95,500 is about 65 percent white, 24 per cent Mexican-



American, 15 per cent black and 1 per cent Asian and American Indian. The emphasis has been on black-white ratios. But the court orders also include the Mexican-Americans, who had been mostly bystanders in the integration fight.

#### A PRIVATE SUIT

The integration here was not brought about by action of the Justice Department as was the case in Pasadena, Calif.; Tulsa, Okla.; Indianapolis; Waterbury, Conn.; East St. Louis, Ill., and other cities.

Instead, it began as a private integration suit. Similar private actions have been taken in New Rochelle, N.Y.; Norwalk, Conn.; Cincinnati, and Muncie, Ind.

Denver's integration fight began more than two years ago when the school board, then dominated by liberals, ordered an integration plan on a resolution by its only black member, Mrs. Rachel B. Noel.

The board approved plans that eventually changed Barrett Elementary School from 97 per cent black to 67 per cent white, and Smiley Junior High School from 67 per cent black to 61 per cent white. A second school board resolution was to bring dramatic racial shifts at East High School and Cole Junior High.

But Denver voters and, in May of 1969, they voted to elect two conservatives and switch the board to a conservative majority. The resolutions were rescinded by the new board. The liberals and blacks promptly went to Federal District Court, where Judge William E. Doyle reversed the new school board.

Since then, in a series of decisions that have reached the Supreme Court, Judge Doyle's orders have stood. Another appeal, brought by the school board, is now being considered by the United States Court of Appeals for the 10th Circuit in Denver.

In February, 23 empty school buses and three trucks were blown up in a dynamite explosion. The same month, bombs were thrown into the homes of leaders of both sides of the integration controversy.

William G. Berge, president of the Denver Board of Education, says the court-ordered moves have brought "pretty severe discipline problems" along with some instances of "discrimination in reverse." He said that many blacks were not willing to concede the basic point in the integration suit brought by the liberals—that education is worse in an all-black school.

School administrators, struggling with the problems involving the next 15 schools to be integrated, say the situation is like trying to put together a jigsaw puzzle with pieces that keep changing size.

James F. Reynolds, director of the Colorado Civil Rights Commission, said that, so far, the moves had been "tokenism" and that administrators and the school board were doing as little as legally possible to implement the court decisions.

At school board meetings, Mrs. Noel, the black member, complains each time another lawyer's fee is paid for fighting Judge Doyle's decisions. Another board member, Frank K. Southworth, complains each time more money is spent on buses.

At East High, which changed this fall from 50 per cent white, students were shifted in a complex five-way move.

The East High principal Robert Colwell, said: "It's been a logistics mess. Emotionally, it's been a minimal problem. Most of the adjustment problem came because the kids wanted to stay in their old schools. It was a hesitation that had nothing to do with racial balance."

#### RESEGREGATION: A PROBLEM IN URBAN SOUTH (By Roy Reed)

LITTLE ROCK, ARK., September 27.—This fall's reopening of schools has made it clear that resegregation by race is beginning to occur in many Southern cities.

As the process advances, some are taking on the appearance of Northern cities, with whites scattered around the edges of town and blacks huddling in the center.

One of the main causes appears to be the policy of gradualism that was almost universally adopted by Southern school districts and approved by the Federal courts and executive agencies during the nineteen fifties and sixties.

Instead of smoothing the way for desegregation, going slow has frequently encouraged whites to flee to all-white sanctuaries in the suburbs, secure in the knowledge that only those schools in the older, central parts of the cities would be integrated to any extent for many years to come.

The leaders of Southern cities like Little Rock believed firmly in the beginning that school desegregation could succeed only if it was carried out very slowly, a few children at a time.

The impact of gradualism, now in its second decade, is nowhere more evident than in Little Rock, where the schools opened for a new year earlier this month. It was here in 1957 that the United States Army had to be called in to enforce the city's first token desegregation. It appeared for a time that not even gradualism would be accepted by an angry white majority.

The anger subsided, gradualism became the official court-approved policy and the whites finally seemed to accommodate to it. With the Little Rock schools beginning their 14th year of official desegregation this fall, these results of a policy of going slow can be seen:

Not more than 25 per cent of the Little Rock School District's 8,661 black students are in schools that can be called integrated by any objective standard. The rest go to schools that are all-black or more than 75 per cent black.

Several schools in the older sections have been desegregated, then virtually resegregated. This process continues as the white and black populations shift.

Whites have fled to the suburbs by the thousands to escape desegregation and the city is building itself racial islands, black ones in the central city and white ones farther out.

A number of real estate operators who were already doing well because of the natural growth of the city have become further enriched by the population shifts attributable to desegregation.

Class lines have hardened between whites and blacks and between poor and well-to-do whites. Many believe that the school policy has had much to do with that.

Large numbers of blacks are disillusioned with desegregation, and some are now fighting it.

#### LIKE A NORTHERN CITY

In short, Little Rock has, in some measure because of its court-sanctioned school policy, abandoned the old Southern system of racial paternalism and become a "Northern" city.

It now is segregated not by overt law, but by housing patterns. It has exchanged de jure segregation for de facto segregation, with all the problems of racial isolation and distrust that go with it.

The same thing is happening in other cities across the South. The process is well advanced in Atlanta. It is in the early stages in Jackson, Miss. Even little towns like Hammond, La., are starting to build white suburbs and black centers.

Some in Little Rock believe that resegregation and "ghettoization" can still be arrested and possibly reversed. As in so many times in the past, these people are pinning their hopes on the Supreme Court.

The Court is expected to rule in a few months on whether the law requires racial balance in the schools. A district judge in North Carolina has ruled that such a balance is required in the schools of Charlotte. Sev-

eral thousand black and white children there are being bused to schools out of their neighborhoods to satisfy his ruling.

The Little Rock School District, meanwhile, is moving steadily toward becoming a black-majority district. During the fifties it was 25 per cent black. Black students now make up 35 per cent of the enrollment, and their proportion is growing at the rate of 3 or 4 per cent a year.

Historically, Little Rock's residential growth has been mainly toward the wooded hills of the west because of natural and man-made barriers on the three other sides.

Most of the black population was scattered through the older eastern and central parts of the city. In the early fifties there was only one black concentration of any size. It was in the center of the old section, south and east of Central High School, and it was small enough that no one thought of calling it a "ghetto."

Other Negroes were fairly well scattered throughout the older sections. Many whites and blacks shared the same neighborhoods, in the old Southern small town pattern.

Then came integration. The city school board responded to the Supreme Court's desegregation decision in 1954 in the fashion that was typical of those times. The city had two high schools, one black and one white. The board promptly built two more—one in a woods on the far western edge of the city, to accommodate as many whites as would want to flee there, and the other in the heart of the old eastern section to draw Negroes in the other direction.

#### RACIAL SHIFTS DESCRIBED

It is as easy to see now that the building of those two schools helped determine the racial shape of the city for years to come.

Central High, the old white school, was "integrated" with much turmoil in 1957. Dunbar, the former black high school nearby, was converted to a junior high and its high school students were shifted east to the new black high school, Horace Mann. The new white school on the west, Hall High, promptly filled with white students whose parents had moved away from the Central High area.

The woods around Hill High almost suddenly sprouted houses. Real estate men made millions on new subdivisions, and later they made more millions farther west, where eventually another white high school was built.

Back in the old part of town, they made additional money on the sales fees that resulted from the fast turnover of houses as whole lots switched from white to black—aided, in many cases, by blockbusting techniques and scare stories circulated by real estate salesmen.

After 1957, the small black concentration that lay south and east of Central High School began to swell in all directions. Whites who lived in the shrinking white section on the east side felt themselves cut off. Many of them were not as affluent as the whites who lived nearer Central High and they could not sell and move as readily. But the pressure was on, and those who could move generally did.

#### MANY WHITES TRIED TO STAY

Many whites tried to stay, in spite of the pressure. Besides those who could not afford to move, others simply did not want to leave the homes they loved.

Le Roy Duff, an insulator in the construction industry, and his wife, Georgia, lived on an old street on the far east side. They had five children. Mr. Duff had grown up in the neighborhood and they had strong ties to it.

When Kramer Elementary School enrolled its first black students during the mid-sixties, the Duffs refused to panic. They soon found that their children got along well in an integrated school and they were happy to have them go there, even when Kramer became half black two or three years ago.

The Duffs watched as nearby Rightsell Elementary School was officially changed from a white to a black school by the school board and most of its white patrons fled west.

Then Mitchell Elementary School, in another nearby neighborhood, was desegregated. A handful of Negro pupils grew to a majority and finally, by last year, only a few white children were left.

The same thing happened at Centennial Elementary and West Side Junior High School, both of which are near Central High.

East Side Junior High School, another white school in the old part of town, was desegregated and then closed, with the black students transferred to a new all-black school nearby and the whites sent many blocks away to the troubled West Side, from which most parents quickly plucked them to the sanctuary of the western subdivisions.

The Duffs and others who stuck with their homes began to feel the pressures of becoming a shrinking minority even though they accepted integration. Then, this summer, the Duffs gave up.

The school administration rezoned the east end schools and all five of their children were to be transferred this fall from formerly white schools that had been fully integrated to formerly black schools that had only tiny minorities of white students.

The Duffs sold their old house, with its long-established shrubs and flowers and its 14 years of memories, and moved out to a suburb. Their house payment went up \$100 a month.

Mrs. Duff resents the way the city's whites have been divided between those who have experienced integration—usually those with lower incomes—and those who have avoided it. She believes that integration so far has not succeeded in Little Rock.

"We don't have integration," she said. "We have all-white schools with a few blacks and all-black schools with a few whites. There are not enough at each school for the kids to learn about each other."

In the Central High area, a mile or so west of the Duffs' old house, there lived until last year a white woman who had been active in every liberal cause in the city for the last 15 years. She had worked hard for integration of the schools.

Her children enjoyed the integrated schools at first, and the woman felt vindicated in her efforts.

But the school board's policy of gradualism began to trouble her during the early sixties. It became clear that the board, supported by the Federal courts, intended to really desegregate only the schools in transition neighborhoods. The white sanctuaries to the west were to remain either all-white or subject to the merest token integration.

The woman watched as her children and a few other white pupils became a minority in their schools. She was one of the few white parents to refuse to move when Mitchell Elementary School became more than 90 per cent black and West Side Junior High became 75 per cent black.

Then as the black majority in the schools increased, frightening things began to happen. Her children began to be attacked regularly on the streets by black children as they walked to and from school. Her junior high school daughter became afraid to go to the rest room without protection because she was harassed and threatened there so frequently.

One night at a basketball game, two black girl friends had to intervene to keep the white girl from being slashed with knives by other black girls.

Then one day last year a group of black boys cornered the girl and tried to rape her.

The woman sold her house and moved west. She is now thoroughly saddened and she is enraged at the school administration. She blames the school officials for putting her children in an unbearable situation.

This summer, Negro plaintiffs appealed a Federal District Court ruling that called for only a relatively small increase in desegregation this fall. The United States Court of Appeals for the Eighth Circuit refused an emergency hearing on the appeal, but did so on a vote of 3 to 3.

Meanwhile, several hundred black parents and students have organized to oppose District Judge J. Smith Henley's plan. The previously black high school, Mann, would be phased out under the plan and the students bused several miles to previously white high schools.

Black parents are complaining that they are tired of seeing their children bused to desegregated schools when no white children are bused.

A neighboring group of white parents whose children still go to Central High has organized this fall to try to keep Central integrated.

Central is about 35 per cent black. But this year's 10th grade class is 55 per cent black and that apparently means the school will have a black majority in two years or less. The white group is planning a legal fight to try to block that trend.

Little Rock's school board had a liberal majority for several years during the sixties. It tried twice to implement voluntary plans for complete or at least greatly increased desegregation.

Both plans depended on votes of the people, however, and both were turned down. The liberals who backed the plans were systematically voted off the board in 1967, 1968, and 1969.

#### DEVELOPMENT OF NONURBAN AREAS OF THE WEST

Mr. HARRIS. Mr. President, our national dialog on where and how we live is inevitably focused on the very real urban crisis. Unhappily this has caused us to ignore the quieter crisis in our rural and nonurban areas.

I was therefore pleased to note that the junior Senator from Missouri (Mr. EAGLETON) appeared before the Western States Water and Power Consumers Conference in Salt Lake City to deliver a strong statement in support of the development of the nonurban areas of the West.

I ask unanimous consent that the text of his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

##### SPEECH BY SENATOR THOMAS F. EAGLETON

We are here today to talk about "Breaking Barriers to the Development of the West."

The question, "Why do we want to develop the West?" is easily answered.

Because we want to improve the quality of life for those who live there.

And because developing the West will have a corollary effect in our large cities. These urban areas are suffering from an ever-growing need for services coupled with an ever-shrinking revenue base. Meanwhile, the migration of young people from the rural and sparsely populated areas of the country to these overburdened urban cores goes on—young people looking for opportunities they cannot find at home. And the small towns and farms they leave behind are dying without the energy and imagination they could provide.

The United States could end up with the worst of both worlds if this trend continues. We can choke our cities and starve our countryside.

Unhappily, our efforts at rural development are today on dead center. We may even be sliding backward.

For the Nixon Administration seems to have all but written off rural America.

Evidence abounds that the Administration neither appreciates the promise of rural America nor recognizes the contribution that development there would make toward easing our urban difficulties.

First, let me remind you that the Nixon Administration is the only Administration in almost forty years which has failed to send a Farm Message to the Congress. The Administration offered no new programs for farmers; it presented no assessment of on-going farm programs. It busied itself with trying to undercut existing farm programs and supporting proposals that would remove effective price protections from farm commodities.

Or consider the enormous coal mining potential of the West. Coal is coming back as an energy source after years of eclipse by natural gas. That means coal mining is coming back . . . and a great new opportunity for the American West, especially in the Upper Great Plains where cheap lignite and inexpensive coal abound.

But unless we are to repeat the tragic environmental mistakes of Appalachia, we need federal leadership now to establish minimum standards for environmental protection in new coal mining areas.

The states cannot be expected to set and enforce these standards unilaterally because they may place themselves at a competitive disadvantage economically. A federal framework is required to assure that all mining areas will bear similar costs for protecting the environment. Senator Moss recently chaired hearings of his Subcommittee on Minerals, Materials and Fuels on legislation to establish a National Commission on Fuels and Energy.

But where is the Nixon Administration in all this? It took office two years ago, with the fruits of far-ranging studies by the Johnson Administration on this issue at its disposal. It has yet to come up with a legislative proposal.

Or water resource development . . . water resource development is the essential precondition to the economic advancement of rural and non-urban areas. Without an adequate water supply, there will be no industry, no efficient land use, no expanding communities . . . no future.

Let me say that I applaud Secretary Hickel's recent announcement that his Department will be coming up with new environmental criteria for water resource development. We need these guidelines. Everyone agrees that we need to exert greater efforts to protect our natural surroundings.

But I am seriously disturbed by the Administration's new economic policies which threaten to eliminate new resource development projects.

No doubt you remember the "no new starts" policy of the Eisenhower years—no small factor in John Kennedy's success in the West in 1960. To be sure, the Nixon Administration has not publicly espoused a "no new starts" approach. But the Administration's tight money policy has resulted in an increased discount rate for water resource development projects which, in practical effect, amounts to an "almost no new starts" policy.

A number of water resource development projects that could have been undertaken under the previous discount rate will have to be abandoned. The irrigation districts simply cannot carry the cost of these projects without more federal help.

I understand that the Nixon Administration—like all Republican administrations—wants to put government on a "business-like" basis. They want to "show a profit." But unfortunately they have no place on the balance sheet for the value of new resources that could be released . . . no place for people . . . no place for the future.



**Section 301:** Provides definitions of terms used throughout the Act. The term "minority group children" includes Negro, American Indian or Spanish surnamed Americans. "Racial separation" is a situation where minority group children in a school constitute more than 50% of the average daily enrollment of that school. "Standard metropolitan statistical area" or "SMSA", as defined by the Office of Management and Budget, is the area in and around cities of 50,000 inhabitants or more.

**Section 401:** Requires each state to prepare and file an acceptable plan pursuant to which it will establish and supervise the operation of an SMSA agency, within each SMSA, to develop with local educational agencies a plan to reduce racial separation in their schools.

**Section 402 (generally):** Sets forth the requirements of the Plan to be prepared.

**Section 402(b):** The Plan must insure that, no later than August 30, 1982, the percentage of minority group children enrolled in each school in the SMSA shall be at least half the percentage of minority group children enrolled in all schools in the SMSA.

**Section 402(c):** The Plan must also develop and use techniques such as re-drawing school boundaries and establishing education parks and magnet schools so as to end racial separation in all schools within the SMSA.

**Section 402(d):** Multi-racial committees of local parents and students are to be established to advise local educational agencies and the SMSA agency regarding development of the Plan and to report periodically to the Secretary on the extent of compliance with the requirements of this Act.

**Section 402(e):** The Plan must assure equality of state financial assistance to all local educational agencies within each SMSA.

**Section 403:** Requires submission of the Plan and approval by the Secretary no later than August 30, 1972.

**Section 404:** Allows the Secretary to exempt portions of an SMSA from the Plan where necessary because of the size, shape or population distribution of an SMSA.

**Section 405:** Each SMSA agency must file an annual report setting forth the results achieved under the plan.

**Section 406:** The Secretary must review each plan and report for each SMSA agency annually and require revised plans where necessary.

**Section 407:** Provides that the District of Columbia SMSA shall include those parts of the metropolitan area lying in Maryland and Virginia.

**Section 408:** Prohibits the formulation or administration of a plan in any way that will result in separation of minority-group children within a school or a classroom.

**Section 501:** Provides Federal funds for each SMSA agency for development of a plan required by this Act.

**Section 502 (generally):** Provides Federal financial assistance for implementation of an approved plan. No Federal funds are to be used to supplant funds, equipment or services that are used to assist any private school. The Secretary is given power to file suit for restitution of any funds used for these purposes.

**Section 502(d):** Describes the purposes for which funds provided may be used including, among others, establishing and constructing magnet schools and educational parks, providing additional staff members, and the necessary counselling, retraining and guidance for those working with minority group children, furnishing transportation where necessary and expanding or altering facilities to accommodate students trans-

**Section 601:** States that any local education agency in an SMSA refusing to cooperate in the formulation or implementation of a plan shall not be entitled to receive federal

educational funds. Likewise, no state failing to participate in the preparation, submission, revision or implementation of any plan required by the act and no state continuing to provide state funds to any noncooperating local educational agency shall be entitled to receive Federal educational funds. The presence within an SMSA of a noncooperating local educational agency does not affect the eligibility for Federal funds of the remaining cooperating local educational agencies.

**Section 701:** Provides that each SMSA agency shall receive no more than \$100,000 to develop and promulgate the plan required.

**Sections 702 and 703:** Authorizes \$2 billion a year to implement the plans developed pursuant to this Act.

**Section 801:** Provides for expedited hearings by the Secretary for complaints concerning the enforcement or nonenforcement of provisions of this Act. Review of the Secretary's final decision lies with the United States Court of Appeals for the District of Columbia Circuit.

**Section 901:** Repeals those provisions of law which would interfere with the operation of this Act, particularly those forbidding the use of federal funds to overcome racial imbalance.

#### GOVERNMENT FACILITIES LOCATION ACT OF 1970 (S. 4546)—SECTION BY SECTION ANALYSIS

**Sections 201 and 202:** State that the increasing concentration of Government facilities in suburban areas has placed many jobs beyond the reach of low- and moderate-income inner city residents for whom housing is presently unavailable in these suburbs. The Act's purpose therefore is to require Federal agencies, Federal contractors and state governments to insure that adequate housing is available wherever they locate or expand their facilities.

**Section 301:** Contains definitions. The term "Government facility" includes any state or Federal building or buildings in which 25 or more government employees work or a facility of a Federal contractor in which more than 25 employees work. "Low- and moderate-income employees" are those making no more than the highest step of the GS-7 level determined by the Civil Service Commission.

**Section 401:** Provides that no Government facility may be located in a community which has failed to develop an acceptable plan to provide adequate housing in the immediate area of the facility for prospective low- and moderate-income employees. If a contractor locates or expands a Government facility in violation of this Act, the Chairman of the Equal Employment Opportunity Commission (EEOC) is given the power to terminate all Federal contracts held by such contractor unless the agency involved certifies that such termination will seriously and substantially impede the mission of the Department or agency. Likewise, any state agency that locates a facility in violation of this Act may have its Federal assistance terminated until compliance is achieved.

**Section 402:** Requires the Chairman of the EEOC to exempt a government agency or Federal contractor from these requirements if the National Security Council certifies that compelling national security reasons justify such an exemption.

**Sections 501 and 502:** Describe the plan which each community must file providing at least one unit of housing, either vacant or to be built, for every prospective low- and moderate-income employee of the locating government agency or Federal contractor. These units must be in existence prior to completion of the location of the government facility and must meet standards established by the Department of Housing and Urban Development and the Chairman of the Equal Employment Opportunity Commission.

**Section 503:** Gives the Chairman of the EEOC authority to require and approve modifications of any plan where necessary to meet the purposes of this Act.

**Section 504:** Gives the Chairman authority to reject any plan or modifications that would result in residential segregation of low- and moderate-income families within a community.

**Section 505:** Requires each government agency and Federal contractor to report annually to the Chairman of the EEOC the number of low- and moderate-income employees employed at each government facility, the availability of housing for such employees and such other information that the Chairman may require.

**Section 506:** Requires the Chairman to establish and publish guidelines pursuant to this Act.

**Section 507:** Provides that each government agency and Federal contractor shall establish a liaison with the Chairman of the EEOC. This liaison shall also serve as chairman of an advisory committee on housing established by the government agency or contractor.

**Section 601:** Provides that each community filing a plan under this act may also file for financial assistance. Up to \$100,000 is available to develop the plan required by this Act. The Chairman of the EEOC is also authorized to provide each community filing an acceptable plan Federal funds to compensate for the loss of tax revenue as a result of the increase in the number of low- and moderate-income people into the community.

**Section 701, 702, and 703:** Provides for the appropriation of sufficient funds to allow the Chairman to meet the requirements of this Act.

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

Mr. RIBICOFF. I yield.

Mr. MONDALE. I am delighted to rise to commend the distinguished Senator from Connecticut for this most useful and, I believe, courageous measure designed to promote integration of schools and communities throughout our country. I am proud to support the goals of these proposals to deal with the question of racial isolation which I believe to be the most critical, explosive, and heart-breaking issue facing our country today.

I know the Senator from Connecticut is familiar with the statistics which demographers have developed which show that racial and ethnic isolation is growing. The proposals presented by the Senator reflect a number of fundamental commitments and conclusions which I share: That racial segregation in our public schools, regardless of cause or origin, is detrimental to all children; the quality of integrated education benefits all children; that the Government should support the establishment and maintenance of quality integrated schools; that we must have a single, nationwide policy concerning the support of quality integrated schools, applied equally in all regions of our country; that the distinction between so-called de facto and de jure is becoming increasingly confused and meaningless; that we desperately need to work to heal and reunite America, to have one society rather than two; that we must end residential segregation as well as educational segregation to accomplish this goal; that a metropolitan approach is a necessary element in any effort to achieve and maintain quality integration; and that the Congress must provide leadership in these areas.

As the Senator from Connecticut has said in his remarks today:

If we are to end the racial turmoil tearing this Nation apart, we must be willing to attack segregation in the North with a will equal to that we demand of the South.

I agree completely with that statement. We do not have a uniform national policy on school integration today. The Constitution must be equally enforced, in the North and West as well as the South. The Congress must take the lead and declare it to be our Nation's policy that every child will have the opportunity to attend a school which will provide the best possible education and that quality integrated education is the best way to provide that opportunity.

It is precisely this need for a nationwide emphasis on which the work of the Select Committee on Equal Educational Opportunity has focused. Of the 48 days of hearings the committee has held to date, 16 days were devoted to oversight hearings on the problems and progress related to school desegregation under Federal law. This set of hearings was prompted by the administration's request for a \$150 million supplemental appropriation to assist school desegregation in the South. The major result of these hearings was an amendment to the supplemental appropriations bill designed to make that program nationwide. The amendment, which was adopted and now part of law, made those funds available to school districts desegregating under law throughout the Nation, regardless of location. I regret that it appears that the nationwide emphasis of that amendment has been neglected in the administration of these funds.

The bulk of our hearings have dealt with problems and programs that exist in all regions of our country. These hearings have included several days on the originals and causes of racial isolation in the North and West, 4 days on discrimination in housing as a cause of de facto segregation, 5 days on the education problems of Mexican Americans, 3 days on the educational problems of Puerto Ricans, and testimony on education parks, interdistrict cooperation, educational television, Indian education, and inequality of financial resources.

Senator RIBICOFF's bills are an important and far-reaching step in this direction. They contain useful and constructive suggestions for dealing with many of the complex issues with which the Select Committee on Equal Educational Opportunity has been grappling. They do not, of course, as the Senator has said, provide all the answers. We must also deal with other issues involved: the continued existence of the all black, or all Mexican-American school; the special needs of language and cultural minorities; safeguards and enforcement procedures to insure that school integration efforts are not token and misleading; racial balance; the time frame in which integration is feasible given varying conditions; community and student participation in school integration efforts; the relative importance of the socioeconomic composition of the integrated school; the possible remedies for racial isolation in nonmetropolitan areas; the relationship

of school financing to racial isolation; ways to improve fair housing enforcement, and proposals to require that communities provide low- and moderate-income housing as a condition for receipt of any HUD grant.

The Senator, in introducing these bills, has taken a thoughtful and creative initiative. I hope these proposals will receive the serious consideration they deserve and that the ideas and provisions they contain will be the subject of committee hearings, and committee consideration. I hope they will be considered as the Committee on Labor and Public Welfare, and the Senate, as a whole, acts with regard to the administration's proposed Emergency School Aid Act of 1970. I know the ideas they involve and the recommendations they represent will be considered by the Select Committee on Equal Educational Opportunity in its future work.

I applaud the Senator for his leadership on this problem. I think the Congress and the country are indebted to him for this initiative.

The ACTING PRESIDENT pro tempore. The time of the Senator from Connecticut has expired.

Mr. RIBICOFF. Mr. President, I ask unanimous consent to proceed for 10 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONDALE. I applaud the Senator's proposal to locate new federally connected industries in communities willing to provide housing for low- and moderate-income employees of those industries.

But I am extremely disappointed that the administration has not followed the recommendations of the President's Task Force on Urban Renewal, issued last May, that the Department of Housing and Urban Development exercise its already extensive powers to require fair housing, under the national fair housing law and under title VI of the Civil Rights Act of 1964, through termination of assistance to noncomplying communities.

As I understand the administration's position, explained by Secretary Romney in testimony before the Select Committee on Equal Educational Opportunity, the Department will not exercise its fund termination powers to combat unfair housing practices in communities receiving Federal assistance.

There are three sources of authority which the Nixon administration could invoke to carry out its own Commission's recommendations that Federal funds be denied any community that fails to make housing available to low- and moderate-income families.

First, title VIII of the Civil Rights Act of 1968, national fair housing law, requires that all executive departments and agencies "administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this title."

Second, title VI of the Civil Rights Act of 1964, provides that—

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimina-

tion under any program or activity receiving Federal financial assistance.

Third, where there are insufficient funds, as there are in all housing programs, to take care of housing needs, HUD certainly has authority to distribute funds by giving priority to those communities which have provided fair housing, and which do not discriminate against minority and disadvantaged families.

In addition, at least one Federal appeals court, the 10th circuit in California in the Sasso case, has ruled that zoning policies that exclude low- and moderate-income housing violate the 14th amendment to the U.S. Constitution.

Clearly, on the basis of these authorities, the present administration has the statutory power it needs to deny Federal funds to those communities which discriminate by denying access to housing for minority groups and low-income families.

The Congress has provided the Department with effective tools to insure fair and open housing. It is my hope that this administration will use those tools.

I commend the Senator from Connecticut for this tremendously useful comment and his proposals.

One point I did want to reiterate is the question of the Federal Government's existing powers by virtue of the adoption of the various civil rights acts that I have mentioned. We have had some hearings before which Mr. Romney testified concerning the use of those powers. As the Senator from Connecticut may know, in the Fair Housing Act which passed and which was cosponsored by the Senator from Connecticut, and in title VI of the Civil Rights Act of 1964, we provided the executive branch with broad powers to withhold grants and to use the Federal funding power in all or most of its provisions to bring about progress in the enforcement of fair housing, opening up communities for low-income housing, and the rest. I gather the Senator sees his proposals as an addition to those proposals.

Mr. RIBICOFF. Yes. These bills are in addition to the powers the Secretary of Housing and Urban Development already has. Unfortunately, there has been great uncertainty and reluctance in the present administration to utilize whatever techniques and powers Congress has given them.

Mr. MONDALE. I am glad to hear that comment.

There is one final point I wish to make. This fact gets lost, it seems to me, as we read the newspapers, and that is the success stories that already exist with quality integrated schools. One of the most impressive programs is in Connecticut. It is called Project Concern. While it is a small project and a voluntary project, it is one of the most impressive in the country where they have tried to reach a metropolitan solution for problems of substandard and segregated schools.

This project has shown that children from the ghetto who are introduced to quality suburban schools have done remarkably well. In 4 months after entry into Project Concern those children had



achieved 1.2 years in basic skills. The ghetto children left behind had a mean IQ of 94 in the fourth grade, in 1965; which dropped to 88 in the sixth grade in 1967; and 86 in the eighth grade in 1969.

What is happening in ghettos is that these children are becoming candidates for subnormal institutions. That is how deeply serious the present system is in damaging or mangling our children.

Mr. RIBICOFF. I express my gratitude for the Senator's remarks. I know how hard he has been working in this field. The entire problem of racial isolation has increasingly concerned me since we had the discussion on the Stennis amendment last February.

I felt then, with the controversy that swirled around the Stennis proposal, that we in the North were not facing up to our responsibilities. As I continue to study this problem, I find that the No. 1 issue facing this Nation is the rapid road to apartheid we are on in the United States. I cannot conceive of any nation existing on the basis of apartheid. As long as the trend is toward white suburbs and black cities, we come closer to reaching the point of no return.

The 1970 census figures are now being made available. They are fascinating reading and clearly tell the story. I was able to obtain some of the preliminary statistics, in which the Senator might be interested. Consider Atlanta, Ga. From 1960 to 1970 the central city gained 98 people. The Atlanta suburbs grew by 356,000 people.

The city of Baltimore lost 45,000 people. The Baltimore suburbs gained 353,000.

Chicago lost a population of 225,000. Its suburbs gained 898,000.

Cleveland lost 136,000. The suburbs gained 271,000.

Detroit, in its central city, lost a population of 177,000. The suburbs gained 576,000.

My own city of Hartford lost 6,000 in the central city. The suburbs gained 114,000.

These figures are repeated throughout the entire Nation. The importance of these statistics is minimized by the fact that the growth in the suburbs has been virtually 100 percent white; only a few blacks creep in. Not only do the whites move out from the central city, but the central cities become increasingly black.

Therefore, if men like the Senator or me or the entire Congress and the executive branch fail to look at the entire problem of our metropolitan areas, we will never solve the problem of school segregation or the segregation throughout the entire society of our Nation.

Mr. MONDALE. I certainly agree with the Senator from Connecticut. I am going to put some figures in the RECORD that come from the testimony of Dr. Carl Tanber, of the University of Wisconsin. They go something like this: In the last 6 or 7 years, in the Greater New York area, 1 million whites have left the central city; 34,000 blacks have left the central city; and most of those blacks have gone to mini-ghettos outside the center. So the concentration of ethnic and racial

minorities in the core cities of this country is becoming worse, and not better. Optimistic statements that we are becoming an integrated society simply do not stand up under any careful analysis.

Mr. RIBICOFF. They do not. What is most interesting, too—let us be frank with one another—is that there is a great fear by the whites in our society that they will be overwhelmed by the blacks. But, if one looks at an over-all metropolitan area, he finds few in which the black population is more than 25 percent of the total population.

The proposal that I have requires school integration with a minimum minority population percentage of at least one-half of the overall minority population percentage in a metropolitan area. This would create in almost every metropolitan area in the United States a ratio of blacks to whites comparable to the ratio of blacks to whites in the entire population of this country.

It is only when a school population becomes 40, or 50, or 60 percent black that the whites gallop as far away as they can go.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. RIBICOFF. I ask unanimous consent to proceed for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, the Senator is recognized for 5 additional minutes.

Mr. RIBICOFF. I believe that, if we had school systems in which the proportion of black equaled their proportion in the population taken as a whole, we could work out practically, philosophically and free from fear an arrangement wherein the whites would accept the blacks and the blacks would accept the whites. We would then start, finally, to have an integrated system.

Many persons have asked me, "Why wait 10 years?" Again, I am afraid I am just too practical and have had too much experience to think we can solve a problem like this overnight.

I recall that, when the Brown case was handed down, there were suggestions from many persons in the South that we ought to integrate one grade a year. This would have taken 10 or 12 years. Many civil rights advocates said, "You cannot do that. You cannot wait 10 years. You must integrate at once. You must integrate the entire school system at once."

What happened? A great resistance built up because the philosophy of a community cannot be changed overnight. The mores of a community cannot be changed at once. It is now 16 years after the Brown case, and we have not achieved integration.

So I am trying to be pragmatic. I am drawing not only on the country's experience but also on my own experience to develop a reasonable timetable. Each metropolitan area would have 2 years to propose a plan and then 10 years to put it into effect. During that time, we can try to educate the people. We can work out our plans in an orderly fashion. We can break down resistance and de-

velop positive cooperation. That is what I am trying to achieve in the two bills I am introducing today.

I am also trying to have this country recognize a problem which faces the North as well as the South. Let us not confuse this problem any longer by saying it is just a southern problem. Let us recognize that this is just as much a northern problem.

If we want to desegregate housing in our cities, let us look in our own backyards. Let us not just pass laws and make speeches condemning the South. What must be condemned in the South surely should be condemned. But let us not blame the South for the problems we in the North have created.

Mr. MONDALE. I strongly commend the Senator's statement. I believe that the Senator has furnished figures showing that the ratio of blacks to whites in the metropolitan areas is about the same as it was 100 years ago, but because we have provided arbitrary limits in our political and school district boundaries, what has happened is that the suburban areas are virtually all white. I believe over 90 percent of the children in the District of Columbia are black.

Mr. RIBICOFF. Ninety-four percent of the schoolchildren in the District of Columbia are black; but, if we take the entire metropolitan area of Washington, the blacks are only about 30 percent of the school population. If we exclude the suburbs and consider only the city of Washington, of course, the percentage of blacks is overwhelming.

The time has come not to set artificial boundaries, but to recognize that we will never have integration if we are going to do it only on a city-by-city basis. We are going to condemn this country to two societies unless we unite the suburbs with the central cities in the battle to end racial isolations.

Mr. MONDALE. I just want to make one final point, because it is difficult to bring this matter to public consciousness, and that is the absolute disaster faced by most ghetto children, be they black, white, red, or brown. Here in the District of Columbia, for example, recent tests in reading and arithmetic showed that the average District of Columbia student at the end of the ninth grade is 2.2 years behind his national counterpart. There are schools in the District of Columbia, in the heart of the ghetto, which, at the end of those 9 years, have somehow failed to such an extent that there is practically no evidence of any learning of reading or writing.

When we say that in the Nation's capital, in one of the major cities of this country and the world, thousands and thousands of children are going to be denied the right to learn and to read and to write and to count, what kind of society are we building?

Then you add to that the fact that we have a segregated society. I think many of these black children never see a white child until many years later; and the same is true of white children in the suburbs. So we are crippling the children, and denying them tools they need if they are to have any chance of success. We are denying children a chance

to come to know each other. If that is not a pattern for national disaster, I do not know what is.

I think the proposal of the Senator from Connecticut is a major contribution to dealing with what I regard as the most fundamental issue in America today.

Mr. RIBICOFF. I thank the Senator. All of us will be watching with deep concern the findings of the special committee of which the Senator from Minnesota is chairman.

I would hope that we in the Senate, as well as the executive branch, would face up to this issue. It is going to be hard. I am not sure there is enough political courage in the executive branch or in Congress to make the tough decisions necessary. They are not going to be easy or politically popular decisions. But I fear continuous delay. I hope that, on a bipartisan basis, we can face up to this problem, Democrats and Republicans, northerners, and southerners, and realize the danger this country faces.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. RIBICOFF. I ask unanimous consent to proceed for 5 additional minutes, to continue the colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RIBICOFF. I am pleased to yield to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I commend the distinguished Senator from Connecticut for the approach he is taking to this problem, and commend him also for his statesmanlike support of the Stennis amendment when it was before the Senate.

I should like to clear up in my mind just what the details of the Senator's plan are; and to that end, I ask whether the cities of this Nation having a population of 50,000 or more would be covered by the Senator's bill.

Mr. RIBICOFF. They would. The definition of a metropolitan area used by the Office of Management and Budget and virtually every urban authority is a central city of 50,000 population together with the surrounding suburban area.

Mr. ALLEN. It would be the Senator's plan, then, to take the ratio as it exists in that particular metropolitan area, to divide the minority group by 2, and to seek, over a period of 12 years—2 years for achieving a plan and 10 years for putting it into execution—to achieve, then, a 50-percent racial balance?

Mr. RIBICOFF. Every school in the metropolitan area would have to have a minority percentage at least one-half of the minority percentage for the metropolitan area. It could be more, but it would have to be at least that.

Mr. ALLEN. Assuming then, a metropolitan area with a racial minority of 30 percent, the Senator would cut that 30 percent in half, and require a 15-percent desegregation over a period of 12 years?

Mr. RIBICOFF. That is correct.

Mr. ALLEN. Amounting, then, to about 1 percent a year?

Mr. RIBICOFF. Well, it would not necessarily have to be that way on an arbitrary basis. I could conceive of a school system formulating its plan and putting it into effect faster.

Mr. ALLEN. Yes, that would be a minimum. They would be required to do that. Anything more than that would be purely voluntary.

Mr. RIBICOFF. Yes; but they would have to submit an acceptable plan. In some areas it would be very simple; in others it would be very difficult. You might have schools in an area where the areas to be reached were near one another, where any transportation needed would not be for long distances, and where you could use existing facilities. In an area like that, the whole plan could be put into effect in 3, 4, or 5 years.

On the other hand, I can visualize areas where they would have to start from scratch, draw lines, build new schools, and change and accommodate the school population in other ways. But I do use a maximum target of 10 years after the 2 years for planning.

Mr. ALLEN. That, then, would give to what is called de facto segregation a further waiting period of some 12 years, during which time, by degrees, the required ratio would be achieved?

Mr. RIBICOFF. My plan would apply nationwide; because, as I look at this country, it seems to me we have reached the stage where there is not much difference any more between the North and the South. Outside of rural areas, I think the South today, in its metropolitan areas, is segregated on a de facto basis just as the North is. This is my interpretation of what is taking place, because I have noticed a change in housing patterns. The South has learned very rapidly from the North, and the South is following a northern pattern when it comes to housing. The whites are moving out of the central cities in the South, out to the suburbs, just as they have in the North. In practically every metropolitan city, the South is rapidly becoming totally reseggregated. Thus, the entire country will soon be reseggregated on a de facto basis.

The ACTING PRESIDENT pro tempore. The Senator's additional 5 minutes have expired.

Mr. RIBICOFF. I ask unanimous consent to proceed for 5 additional minutes to complete the colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, if I might interrupt, I want to ask at least one question: I did not understand the Senator's proposal to in any way limit the jurisdiction of the Supreme Court applying normal constitutional desegregation patterns to any community in the country, so that as to the lawsuits that we have seen, for example, in Denver, Berkeley, South Holland, Ill., Detroit, Indianapolis, Pasadena, or Pontiac and other cities in the North, in no sense was this designed to deter the reach of the Supreme Court. Is my understanding correct?

Mr. RIBICOFF. The Senator from Minnesota is absolutely correct. Basic-

ally, whatever is illegal should be struck down, and in no way do I intend to impinge upon the Supreme Court.

The Supreme Court has a number of de facto school segregation cases before it now to be decided. I cannot predict what the Supreme Court will do. My guess is that they are wrestling mightily with their own consciences and the law to determine what to do.

As far as I personally am concerned, I can see no difference between de facto and de jure segregation. The Supreme Court having struck down de jure segregation in the South has, I think, an equal obligation to strike down de facto segregation in the North.

But practically every decision that the Supreme Court has made has been on a district by district basis, and there is not now a case before the Supreme Court for decision that involves a metropolitan area involving several school districts. Therefore, any decision the Supreme Court might hand down on a single school district basis will not eliminate the basic problem we face of apartheid in the United States. We will not eliminate the movement toward apartheid, in my judgment, until we take on our own shoulders our legislative responsibility. Congress, when it shrugs off its responsibility, forces the Supreme Court to legislate and to go where it would prefer not to go.

The time has come for us to look at this overall problem and assume the burden and responsibility, and not continue to put it on the shoulders of the Supreme Court. There is nothing in this bill, or in my speech, that would in any way take away from any jurisdiction of the Supreme Court.

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

Mr. RIBICOFF. I am pleased to yield.

Mr. ALLEN. While I admire the Senator from Connecticut very much, and appreciate his efforts in behalf of the Stennis amendment, I ask, does he not feel that the principle as proposed by his bill—that is, gradual desegregation with regard to de facto segregation—would be a retreat from the principle of the Stennis amendment, which called for one uniform Federal school policy regarding desegregation? Because under the existing decisions of the Supreme Court, the southern school districts are required to desegregate now, and the distinguished Senator from Connecticut, by the introduction of his bill, would tacitly recognize the difference between de jure segregation and de facto segregation, still retaining the "desegregate now" principle for the southern schools and a "desegregate over a 12-year period" principle for the northern schools. Is this not a retreat from the principle of the Stennis amendment?

Mr. RIBICOFF. May I say to my distinguished colleague that I do not think so at all. First let me say that I think the country would have been much farther along if we had adopted the Stennis amendment 8 months ago. I was for it then and I am for it now.

But I think the difference comes in this: The South, in de jure situations, has already had 16 years to act.



As I indicated in my colloquy with the Senator earlier, if we had originally followed some of the thoughtful suggestions that we desegregate in the South 1 year at a time, we would already have achieved integration.

In addition, I think that for the overwhelming number of schoolchildren, we basically have gone beyond the problem of de jure segregation. It is my contention that, with a few exceptions in the South, in the rural areas, today segregation in the South and education present exactly the same pattern found in the North. I think that we have resegregation in metropolitan areas of the South. I do not think that these resegregation patterns are de jure; I think they are de facto.

So I am recognizing a set of facts that I believe exists throughout the entire United States of America.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. RIBICOFF. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. ALLEN. Would the Senator's bill, then apply in municipalities in the South of a population of 50,000 or more?

Mr. RIBICOFF. Yes. The bill I have introduced would be nationwide in impact, and it would apply to every community—North, South, East, and West—which fits into a definition of metropolitan area, with 50,000 people in the central city, surrounded by populated areas in the counties and the suburbs surrounding it, irrespective of whether they are northern or southern cities.

Mr. ALLEN. I believe that Chief Justice Burger, in the case of Northcross against the School Board of the City of Memphis, pointed out 3 areas in which the Supreme Court had not ruled. One area is as to whether a particular racial balance is required in a school system; the second, as to whether school district lines may or must be altered to carry out the principles announced by the Supreme Court; and the third, as to whether or not transportation or busing may be or must be used to carry out the Court's edicts.

Is it not possible, then, that the Supreme Court, in its upcoming decisions, might cut the ground completely out from under the Senator's bill?

Mr. RIBICOFF. The Supreme Court may cut the ground out from under my bill, but that does not eliminate the responsibility that we in Congress and the President of the United States have for doing what is necessary. I cannot predict the Supreme Court's decision. But I will predict that this country cannot exist on an apartheid basis, part black and part white, without an intermingling of people nationwide.

No greater problem faces this country than the hatred and fear which have been generated and are being generated and multiplied throughout this Nation, with belts of white suburbs, affluent, with jobs, surrounding central cities of blacks, without jobs. It is this situation that I want to end.

My feeling is that the Supreme Court would certainly not strike down any at-

tempt to end racial isolation. But, the question is not what the Supreme Court in its wisdom decides. The question in my mind is, what will the Congress decide in its wisdom? For too long we have placed the burden upon the Supreme Court, because we have not had the courage to face up to these nationwide problems in the Senate of the United States.

Mr. ALLEN. I agree wholeheartedly with the Senator's comments at this point. I feel that Congress long before now should have established a uniform policy. The Senator's bill, as I understand it, does establish a uniform policy with respect to municipalities, metropolitan areas, of a population of 50,000 or more.

Mr. RIBICOFF. The Senator is absolutely correct.

Mr. ALLEN. I thank the Senator.

Mr. JAVITS. Mr. President, I am a member of the select committee of which Senator MONDALE is chairman, and I fought the battle with the Senator from Connecticut on the Stennis amendment, as he very well recalls.

I did not hear all of the Senator's speech. I know that he has had very interesting and important discussions with my colleagues. I do not think any such discussion, however, should be allowed to stand without adding these two further considerations, which I think are vital:

One, we have found, unhappily, that the process of desegregation itself, pursuant to the Supreme Court mandate and congressional law, is not free of segregation. In the committee headed by Senator MONDALE, we have found many abuses of the desegregation process. So the idea that all is well in the South and that it is now in key with the North does not necessarily follow.

Two, I think that the question of timing, which is raised by the Senator's bills, must be considered in the context of the pending Emergency School Aid Act, which has already been reported by a committee of the House, and over which the Education Subcommittee of the Senate Committee on Labor and Public Welfare is presently deliberating. The original proposal of the administration which we are now considering is concerned with the effects of racial isolation on the pedagogical aspect of education as well as desegregation.

It may be insufficient to paint a 10-year picture and ignore the needs of children in today's educational system the concept on which we are working now, proposed by the administration, of a large money bill which would give great flexibility and opportunity for many different approaches deals with immediate needs with a timetable which would be conditioned, one, by the availability of resources, but also by what could be accomplished here, there, and everywhere, without necessarily slowing "X" down because you have a timetable for "Y."

I only throw that out in connection with the Senator's speech, because of my respect for the Senator, as a real factor in this field and so that the work of the committee, of which, as I have said, I am a member and Senator MONDALE heads, may be forwarded by what the Senator is doing.

I have not heard my chairman, but I hope very much that the bills which the Senator is introducing—the concept that the Senator is offering—may be before us in a very pertinent and important way in connection with our work, which has to be brought to a conclusion before very long.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

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

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

Mr. JAVITS. I yield.

Mr. RIBICOFF. I appreciate the Senator's comments.

May I say that I forwarded copies of these bills and my speech to Senator MONDALE's committee and his staff last week, so that he would have the benefit of some time before I delivered this speech.

I do appreciate the positive comments I received from Senator MONDALE before the Senator from New York entered the Chamber.

What bothers me about the administration's bill is that the billion dollars that the President has in mind is to help desegregate education in the South on a de jure basis. My criticism is that the problem is nationwide. We have to eliminate desegregation on a de facto basis as well. When the time comes, I shall personally introduce an amendment on the floor to make funds available under the administration's bill to help school districts in the North end de facto segregation.

Mr. JAVITS. If I may reply to that, I do not believe the Senator need have any concern about that. Any bill I have anything to do with, and I think that any bill the Senator from Minnesota (Mr. MONDALE) has anything to do with, whatever may have been the administration's original intention, will certainly recognize that from the point of view of a child, the deprivations of isolated learning, are equally bad no matter what the cause of the isolation. That should be one lesson of the Supreme Court decision.

Mr. MONDALE. Mr. President, I wish to make this point, if I may, for I think it is well known but I wish to repeat it, that the first installment of the President's original emergency school assistance proposal was to be limited as a Southern school aid measure—

Mr. RIBICOFF. That is right.

Mr. MONDALE. And many of us, with support from the Senator from Connecticut, insisted, by amendment which was adopted, that it be a national program and that it apply to all segregation wherever it was in the country. I regret to say that the first \$75 million has been administered in such a way that it is, in fact, basically a southern program. I feel very strongly that there is no justification in law, in morality, for educational reasons, or in terms of a healthy America, for having this as a southern program when it is a national problem.

I have pleaded with the Justice De-

partment and HEW to have a national law enforcement program, and not just limit it to the South. I have pleaded with the Justice Department and HEW to include all minorities, Mexican Americans, Puerto Ricans, Portuguese, Indians, and other minorities, not just blacks, so that we will have a national enforcement of civil rights laws, and so that we will use the funds, including title I funds, for national solutions to these problems.

I repeat that plea today, because, despite their saying that it would be followed, it has not been followed.

Finally, may I say, the great contribution which the Senator from Connecticut makes today is to my knowledge the most courageous and unique proposal for a multidistrict solution that we have heard. I do not think we can solve the problem unless we have a multidistrict answer.

Mr. RIBICOFF. I thank the Senator from Minnesota very much.

Mr. JAVITS. I thank my colleague.

#### TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senate will proceed to the transaction of routine morning business, with a time limitation of 3 minutes on statements therein.

#### THE PROPOSED TRADE BILL

Mr. JAVITS. Mr. President, the trade bill will be considered very soon. It is being reported, we understand, by the Finance Committee. It contains a provision which relates to something called glycine.

Indications are that this bill will incorporate many, if not almost all, of the provisions of the House-passed Trade Act of 1970.

As this legislation is being considered I hope very much one of the amendments adopted will be to strike section 344 of the bill which proposes to establish a prohibitive duty on imports of glycine over 1,500,000 pounds. The rate of duty proposed in the bill for such imports is so high that it amounts to a quota.

Mr. President, I hope very much that the Finance Committee will see fit to strike this amendment on glycine from the bill because it does not belong there; but if it does not do so, I shall seek to do so myself on the floor.

In view of that fact, Mr. President, I ask unanimous consent that an important letter of analysis, answering arguments made by my colleague from Tennessee (Mr. BAKER) on this subject, be printed in the RECORD. It was addressed to me by a constituent company in New York which obviously knows a great deal about this situation.

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

GEORGE UHE CO., INC.,  
New York, N.Y., November 25, 1970.

HON. JACOB K. JAVITS,  
U.S. Senate,  
Washington, D.C.

MY DEAR SENATOR JAVITS: We are a New York corporation and are writing to you as our Senator in a matter of concern to us.

Very recently, the comments of Senator Baker of Tennessee in the Congressional Record of October 12, 1970 regarding the importation of Glycine were brought to our attention (see enclosure). We believe that Senator Baker's comments in connection with his support of Section 344 of the Trade Act of 1970, which places a tariff quota of 25 cents a pound on all importations of Glycine in excess of 1.5 million pounds must be answered.

Until the dumping complaint referred to by Senator Baker, we were interested in the sale of French Glycine which was sold to Benzol, now a division of Stauffer Chemical Company. In this capacity we had occasion to participate in the importation of Glycine from France and other countries. The transcript of the record in that case is available at the U.S. Tariff Commission and gives a complete background of the Glycine economic situation in the United States, including the supply-demand-price relationship. We are submitting herewith a brief summary of that background situation, based on information provided by the sole U.S. producer of Glycine which is seeking the tariff quota, namely, Chattem Chemical & Drug Company. Also submitted herewith are some of the pages of the transcript of record revealing Chattem's relevant admissions.

With this background, we would like to very briefly respond to Senator Baker's remarks, point by point.

First, he talks in terms of "relief to the sole-surviving domestic producer of Glycine," implying that Chattem is the sole surviving producer and that all other producers were eliminated by imports. The facts reveal that there were only two producers of consequence in the United States up until 1964, namely, Dow Chemical Company and Benzol Products Company, and that Chattem was not a producer but rather was a customer of Benzol. Chattem admits that up until this time imports were not significant. At this same time, Chattem signed a licensing agreement with SPOCI, a French producer of Glycine. That agreement gave Chattem the sole and exclusive license in the United States to produce and sell Glycine by foreign process. Apparently, this process allowed Chattem to produce Glycine more cheaply than either Dow or Benzol were able to produce it. Subsequent to 1964, Dow, aware of Chattem's decisions and with a slightly inferior process, retired from the production of Glycine while continuing to make available a major raw material. Chattem stopped purchasing from Benzol and now that Benzol had lost one of its largest customers, namely, Chattem, Benzol stopped production. Thus in 1966, there was a good-sized market in the United States for Glycine, with the two traditional domestic producers having stopped production and one new domestic producer, namely, Chattem, starting up production. This was obviously a market for imports and imports began coming in at competitive prices. Under the circumstances, it is somewhat misleading to refer to Chattem as "the sole-surviving producer." Rather, Chattem was a brand new producer attempting to fill the void left by the cessation of production by the two traditional producers and under the circumstances naturally having competition from imports which were necessary to meet supply demands of the market.

Also, the above mentioned facts do not support Senator Baker's further allegation that "the Japanese and French succeeded in driving the other United States producers, Benzol Products, Inc. and Dow Chemical Company, out of Glycine production." As Chattem has admitted, Benzol and Dow stopped making Glycine before imports presented any problem. In fact Benzol, at least in part, stopped making Glycine because Chattem stopped purchasing it from Benzol and went into production itself.

The Senator further emphasizes that the price of Glycine "declined from \$1.06 per pound in 1964 to 75 cents at the present time." We should point out that during the period prior to 1964 when, according to Chattem's own admission, imports were insignificant, prices of Glycine produced by the two American producers were declining due to improvements in the efficiency of production. Chattem itself stated in the said hearings at Page Four of the transcript: "In 1945, Glycine was priced at \$1.50 per pound, thence falling to \$1.30 per pound in 1951-60, and to 96 cents per pound in 1963 for very large volume purchases." Not \$1.06 per pound as stated by Senator Baker. The above facts further reveal that price of Glycine dropped more during the earlier period when there were no imports than in recent period when there were imports.

In 1965 Chattem started selling Glycine at 95 cents per pound. It claims it had to drop from 95 cents to 75 cents over the next 1½ years to compete with imports. But it does admit that after filing its dumping complaint it was benefited by the resulting elimination of the German and French imports and the price assurances given by the Japanese so that it has not had to lower its prices further, that is, from September 1966 to the present time, a period of more than three years, Chattem has not lowered its price. Moreover, during this same period, Chattem admits it has increased its share of the U.S. market from 10% in 1967 to 15% or 20% in 1968 and to 22% for the first nine (9) months in 1969. In fact, we are informed that Chattem has more orders than it can presently handle, as evidenced by users who have attempted to obtain increased quantities of Glycine being told that such could not be arranged before the second quarter of 1971. This is obvious in part due to the fact that Chattem has captive use of 35/38% of its production of Glycine for manufacture of DAA, a product for which they have a long term contract. Thus Chattem has a much larger percentage of the total market of Glycine than 22% mentioned above.

Moreover, as you may know, Glycine is a major ingredient for the production of L-Dopa, which is used in the treatment of Parkinson's disease. Apparently, this is in short supply and Public Law 91-309, approved July 7, 1970 has suspended all duties on the importation of L-Dopa for two years because of the emergency need of this product.

Senator Baker further seems to rely on the fact that "no foreign Glycine producer or import interest bothered to testify before the Ways and Means Committee." It seems clear that no one testified because no one took the threat of a quota on Glycine seriously. Such a proposed quota was not in the original Mills Bill or any other Bill seriously considered by the House Ways and Means Committee. Admittedly, Congressman Fulton of Tennessee had introduced a bill proposing a Glycine quota, but to the best of our knowledge no one else had supported that bill. The threat of a Glycine quota did not become serious until all of a sudden it appeared in a bill reported out of the House Ways and Means Committee. Once it appeared it was impossible to object to it in the House and because the Senate Finance Committee held only two days of hearings, restricting the opportunity to testify only to Administration spokesmen and a few others, it was also impossible to object in the Senate. Ambassador Gilbert, as the Administration spokesman, did, however, object to the Glycine quota before the Senate Finance Committee.

We believe the above facts adequately answer Senator Baker's allegations as to the percentage of the domestic market taken over by imports. But perhaps we should make



November 25, 1970, the President submitted to the Senate, for its advice and consent to ratification, a proposed treaty on extradition with Spain, which was signed at Madrid last May. Apparently the Senate can be entrusted with issues concerning extradition relations, narcotic offenses and aircraft hijacking, but not with matters which could involve the security of the Nation.

In conclusion, it should be stressed that Senate Resolution 469 is unopposed by the administration and has been reported by a large bipartisan majority of the Committee on Foreign Relations. The committee strongly recommends that Senate Resolution 469 be adopted.

#### REPORT BY THE COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

The resolution (S. Res. 480) to extend the date for the making of a final report by the Select Committee on Equal Educational Opportunity, was considered and agreed to, as follows:

*Resolved*, That the Select Committee on Equal Educational Opportunity, established under Senate Resolution 359, Ninety-first Congress, agreed to February 19, 1970, shall make the final report required by such Senate resolution not later than January 31, 1972, instead of January 31, 1971.

Without objection, the preamble was agreed to.

#### WARREN BEARCLOUD, PERRY PRETTY PAINT, AGATHA HORSE CHIEF HOUSE, MARIE PRETTY PAINT WALLACE, NANCY PAINT LITTLELIGHT, AND PERA PRETTY PAINT NOT AFRAID

The bill (H.R. 15805) for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, Nancy Paint Littlelight, and Pera Pretty Paint Not Afraid was announced as next in order.

Mr. MANSFIELD. Mr. President, I am glad that the legislative clerk read the names in full, because I want the Chair to understand that these are very good Crow Indians and very good constituents of mine.

Mr. SCOTT. Mr. President, I had the impression that Marie Pretty Paint Wallace might be from Alabama. [Laughter.]

The bill, H.R. 15805, was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. SCOTT. Mr. President, I move the motion to reconsider the vote be laid on the table.

The motion was agreed to.

Mr. ERVIN. Mr. President, I would like to have time for just one comment; namely, that the people of Alabama would be glad to know that the distinguished minority leader believes that the Wallaces of Alabama are very pretty people, as is this Indian from Montana.

Mr. SCOTT. I was indicating painted people rather than pretty ones.

Mr. MANSFIELD. Her name is Pretty Paint. Wallace is the name of the man she happened to be married to.

#### LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I should like to inquire about the order of business, and such roadblocks, detours, or obstructions that may be currently indicated.

Mr. MANSFIELD. Yes; indeed. We have some conference reports which will be brought up, hopefully. There is the extension of the Libraries Act, which will be brought up. There is Calendar No. 1407, which will be brought up with the approval of the distinguished Senator from North Dakota (Mr. Young), when he reaches the floor; and then, of course, we will, at an appropriate time, proceed to the consideration of Calendar No. 1259, H.R. 18306, which is the bill dealing with financial institutions which has been considered on the floor from time to time. But that will be sometime earlier in the afternoon.

Mr. SCOTT. Do I understand correctly that the family assistance plan and such other matters as are connected with it are likely to be brought up Monday or Tuesday?

Mr. MANSFIELD. On Tuesday. The supplemental appropriations bill, on Monday next, will be the pending business.

#### VETERANS' RELIEF

Mr. MANSFIELD. Mr. President, this morning, I have received a number of communications from Montana, one from the commander in chief of the Veterans of Foreign Wars of the United States. In brief, the tenor of these telegrams from the veterans organizations of the State, the veterans, those who are interested in veterans' welfare, as well as Mr. Rainwater, are under the impression that the veterans' pension bill, H.R. 15911, has been reported separately by the Finance Committee and they are, to quote Mr. Rainwater:

Shocked to learn there is no indication Senate will bring this bill up before Congress adjourns. If this legislation is not approved by 91st Congress, 150,000 veterans, mostly older World War I veterans, will have their VA pension cut or canceled.

Urgently request every effort be extended to have H.R. 15911 considered immediately.

This measure has not been reported from the Senate Finance Committee, which has been working for months on very complicated legislation dealing with social security, welfare reform and import quotas. I have been informed, however, that a similar bill has been attached as an amendment to the social security, import quota, family assistance, et cetera, bill which should be reported to the Senate by next Monday.

The fate of this measure is unknown at this time. If, however—and I speak on behalf of the joint leadership in this respect—H.R. 15911 is reported to the Senate as a separate measure, we want to assure all of those concerned that we will make every possible effort to see that it is considered expeditiously and passed.

Mr. SCOTT. We will, indeed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a number of telegrams which I received all of a sud-

den from Montana be printed in the RECORD.

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

WASHINGTON, D.C.

Hon. MIKE MANSFIELD,  
U.S. Senate,  
Washington, D.C.:

The Veterans of Foreign Wars of the United States is pleased that Veterans Pension Bill, H.R. 15911, has been reported separately by Finance Committee. Shocked to learn there is no indication Senate will bring this bill up before Congress adjourns. If this legislation is not approved by 91st Congress, 150,000 veterans, mostly older World War I veterans, will have their VA pensions cut or canceled.

Urgently request every effort be extended to have H.R. 15911 considered immediately.

H.R. RAINWATER,  
Commander in Chief,  
Veterans of Foreign Wars.

HELENA, MONT.

Hon. MIKE MANSFIELD,  
Senate Office Building,  
Washington, D.C.:

The Social Security increase enacted last year will result in approximately 150,000 needy and disabled veterans suffering reductions in non-service connected VA pension benefits on January 1, 1971, if the Pension Bill H.R. 15911 is not enacted prior to adjournment to the 91st Congress. We therefore urge that you schedule H.R. 15911 for early consideration on the Senate floor.

Sincerely,

JOHN E. SLOAN,  
DAV National Service Officer.

HELENA, MONT.

Senator MIKE MANSFIELD,  
Washington, D.C.:

Urgently request you arrange for rescheduling of H.R. 15911, veterans' pension bill for enactment before January 1 in order to prevent loss of Veterans' Administration pension by more than 150,000 veterans and widows.

Sincerely, yours,

DAVID W. ARMSTRONG, JR.,  
Director, Montana Veterans Welfare  
Commission.

BILLINGS, MONT.

Hon. MIKE MANSFIELD,  
U.S. Senate Office Building,  
Washington, D.C.

DEAR SENATOR MANSFIELD: Social security legislation enacted last year will result in approximately 150,000 needy and disabled veterans suffering reduction in VA pension benefits on Jan. 1, 1971, if the pension bill, H.R. 15911, is not enacted prior to adjournment of the 91st Congress. We therefore urge that you schedule House bill, H.R. 15911, for early consideration on the Senate floor.

Sincerely,

ALBERT C. THORMAHLEN,  
Commander of Billings Chapter 10, Dis-  
abled American Veterans.

GREAT FALLS, MONT.

Hon. MIKE MANSFIELD,  
Washington, D.C.:

On behalf of 1,230 VFW members we are asking you to reschedule H.R. 15911.

WAYNE PICKETT,  
Commander, VFW Post 1087.

GREAT FALLS, MONT.

Hon. MIKE MANSFIELD,  
Washington, D.C.

The Ladies Auxiliary to VFW 1087 are asking you to reschedule H.R. 15911.

EDITH HOUGE,  
President, Ladies Auxiliary.

Whereas the Committee on Foreign Relations, in accordance with its responsibility to the Senate to consider matters related to "relations with foreign nations generally", "treaties", and "intervention abroad", as provided in the Legislative Reorganization Act of 1946, as amended, has examined the Agreement of Friendship and Cooperation between the United States and Spain, signed in Washington on August 6, 1970; and

Whereas on August 26, 1970, the committee received testimony from the Under Secretary of State for Political Affairs and the Deputy Secretary of Defense to the effect that the aforementioned agreement entails no national commitment on the part of the United States to the defense of Spain; and

Whereas the said agreement is not in consequence of "affirmative action taken by the executive and legislative branches of the United States Government" expressed by means of "a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment", as provided in S. Res. 85, Ninety-first Congress, first session: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that nothing in said agreement of Friendship and Cooperation between the United States and Spain shall be deemed to be a national commitment by the United States.

Mr. MANSFIELD. Mr. President, I as unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1425), explaining the purposes of the measure.

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

#### PURPOSE

The purpose of the resolution is to make it absolutely clear that the executive agreement between the United States and Spain cannot be construed as a national commitment to Spain on the part of the United States. The resolving clause of Senate Resolution 469, as reported, removes any possible doubt here or abroad on this score with these words " \* \* \* nothing in the said Agreement of Friendship and Cooperation between the United States and Spain shall be deemed to be a national commitment by the United States."

#### BACKGROUND

The original 10-year "executive agreement" with Spain concerning U.S. use of bases in that country was signed in 1953 and extended for another 5 years in 1963. When reports concerning the terms for a proposed new 5-year extension started circulating in 1968, the Committee on Foreign Relations began to concern itself closely with these intergovernmental discussions. As the discussions progressed, the committee requested and received briefings—particularly on the role of the Defense Department in the negotiations—on March 11, April 2 and 14, and June 5, 1969. Partly as a result of this interest, and partly because of inherent problems, it was decided by the two governments on June 20, 1969, to extend the expired agreement until September 26, 1970, so that ample time could be devoted to negotiating a new agreement. During the resumed period of negotiations, the committee continued to be briefed in closed session; specifically, there were meetings on April 22 and July 24, 1970. The Subcommittee on U.S. Security Agreements and Commitments Abroad also received secret testimony on this matter as recently as July 17, 1970.

Thereafter, the committee chairman, Senator Fulbright, requested the State Department to consider submitting the agreement as a treaty. However, at a hastily arranged ceremony on August 6 the new agreement, entitled the "Agreement of Friendship and

Cooperation between the United States and Spain", was signed as an executive agreement and made public. At the same time, the Under Secretary of State for Political Affairs, U. Alexis Johnson, issued a statement containing the following paragraph:

The question has been raised as to whether the proposed Agreement of Friendship and Cooperation contains a commitment by the United States to defend Spain and if it does, whether it should be submitted to the Senate for its advice and consent to ratification. I entirely agree that were the proposed Agreement of Friendship and Cooperation to contain such a commitment as, for example, is contained in the North Atlantic Treaty, the Southeast Asia Collective Defense Treaty, or the Security Treaty with New Zealand and Australia, or our various bilateral mutual defense treaties, the agreement should be submitted to the Senate for its advice and consent to ratification. However, as I have stated, the proposed agreement contains no such commitment.

On August 26, 1970, in an open session of the Foreign Relations Committee, Under Secretary Johnson repeated and elaborated on this statement. The record of that public hearing is printed for the information of the Senate and contains the text of the agreement with Spain together with the exchange of notes and relevant State Department releases.

The hearing record also contains the comments of Senator Church of September 22, 1970, when he introduced Senate Resolution 469 to put the Senate on record as stating that the agreement with Spain did not constitute a national commitment by the United States. In particular, he invoked the recent definition by the Senate of such a commitment set forth in Senate Resolution 85 agreed to on June 25, 1969. Senate Resolution 85 declares:

That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment. (Emphasis supplied.)

On October 5, 1970, the committee received the views of the Department of State on Senate Resolution 469 as follows:

#### DEPARTMENT OF STATE,

Washington, D.C., October 5, 1970.

Hon. J. W. FULBRIGHT  
Chairman, Committee on Foreign Relations,  
U.S. Senate.

DEAR MR. CHAIRMAN: In response to your letter dated September 24 concerning Senate Resolution 469, I am pleased to transmit the comments of the executive branch.

The proposed resolution would express the sense of the Senate that, "nothing in the said agreement (the Agreement of Friendship and Cooperation between the United States and Spain, signed on Aug. 6, 1970) shall be construed as a national commitment by the United States to the defense of Spain." We would of course not object to the adoption of a resolution which merely reiterates the testimony previously set forth by administration officials. However, in light of the administration's public statements on this point, we do not consider the resolution to be necessary.

The Office of Management and Budget advises that from the standpoint of the ad-

ministration's program there is no object to the submission of this report.

Sincerely yours,

DAVID M. ABSHIRE,

Assistant Secretary for Congressional  
Relations.

The resolution was discussed by the Committee on Foreign Relations on October 6 and November 19. On November 23 it was modified to make it clear that—in addition to there being no U.S. commitment to "the defense of Spain"—the executive agreement constituted no national commitment to Spain of any kind. On the same day, Senate Resolution 469 was ordered reported favorably by a vote of 10 to 0.

#### COMMITTEE RECOMMENDATION

While the administration considers the resolution to be unnecessary, the Committee on Foreign Relations on the contrary believes it both necessary and valuable for the future. It is a natural consequence of the Senate's effort—expressed most fully in the national commitments resolution—to reassert the constitutional role of Congress in the formulation of foreign policy. This effort does not in any way detract from the powers of the Executive; and it is not aimed against any target; rather, it is an increasingly successful attempt to exercise rights and powers delegated by the American people to their elected representatives which had been allowed to fall into desuetude.

In the case of the agreement of friendship and cooperation between the United States and Spain—a title most often employed to describe treaties—there can be no question that this instrument does not meet the definition of a national commitment contained in Senate Resolution 85. The executive branch representatives from both the State and Defense Departments have agreed on the point. And the adoption of Senate Resolution 469 would not impugn their testimony in the slightest way.

It would, however, constitute a formal finding by the Senate that the agreement of friendship and cooperation is not to be considered, either now or at any time in the future, as a national commitment by the United States to come to the defense of Spain. This is desirable, particularly in view of certain language in the agreement drafted in a deliberately ambiguous form. Unless the Senate clearly indicates the limited character of the agreement, consistent with the interpretation the executive branch presently gives it, we may once again confront in the future a condition where "circumstances alter cases." When the Gulf of Tonkin Resolution was adopted in response to reported attacks on a U.S. destroyer in international waters off Vietnam, who could have anticipated that the resolution would later be interpreted as congressional sanction for a full-scale war on the mainland, involving an American expeditionary force of a half-million men.

To foreclose any possibility that the Agreement of Friendship and Cooperation with Spain might later be given an expanded application, it is incumbent upon us, now, at the outset, to place an authoritative construction upon it.

The public hearing gave the administration an opportunity to set forth its interpretation of the agreement. By approving Senate Resolution 469 the Senate—as has the committee—would be fixing the reach of the agreement within these bounds.

In taking this action, the majority of committee members still adhere to the opinion that the administration should have submitted the agreement as a treaty. By that means, both branches of our Government given responsibilities in the field of foreign policy by the Constitution would have participated in shaping this country's future relationship with Spain. It is ironic that on



facing the decoy position in the water of the Bay beyond the mangrove shoreline. My remembrance of Charlie is to see him sitting there in the worst of the four blinds, having characteristically given the best ones to his friends. He sits there in the warm afternoon sunshine drinking in the peace of the place, with the outgoing tide gently rocking the decoys; seagulls and diving fish hawks piercing the silence with their shrill cries; slim, dark frigate birds wheeling endlessly in lazy, effortless circles high in the clear, azure sky above us. Mangrove leaves stiffened by the salt air clapping against each other in the light breeze. Then suddenly Charlie would murmur, almost whisper, "Mark," as black specks would appear in the distant sky to the north, as the large black and white feathered brant would begin their long and sure descent to the decoys. My best memory is of Charles sitting there among his friends at peace with himself and the world, so enjoying the scene that he often did not bother to take up his gun as the geese arrived above the decoys. At this precise moment, there is anticipation in the air, and peace, and hope. It may seem farfetched to you but, to me, much of this is akin to the mood of man and woman in the face of the Christian message of eternity and immortality towards which willy-nilly we are all heading, with whatever baggage of good or evil we carry along with us as we move through time to eternity. We must anticipate something for none of us wishes life to end suddenly, abruptly and forever, as it does for a brant.

Peace is part of every concept of eternity because our lives and time are so frantic, frenetic and unpeaceful. Hope leads us to look ahead with confidence in God's wonderful saving grace that, if we are doing our best to follow the law of love and generosity and friendship freely given, somehow this will endure eternally, and we with it. If good does not endure, life is a nightmare and this world a madhouse.

I would like to believe that there was much more good than evil in the life of Charles Stone Jones, and, if from a distance I have shared my daily masses with him during the final days of his life, I would hope that from eternity he still shares with me that good spirit of kindness and generosity that pervaded his life. At this point, I can sense Charlie leaning over my shoulder and saying, "Padre, haven't you said just about enough, if not too much." He's probably right and yet there is another word that I must say, this time not about him, but for him. He would certainly want me to thank you, his good friends, for your goodness in being here today as a tribute to his memory and his friendship and I assure you that he will be touched as we all tell Genny, his good wife, and all his family of our deep sorrow at his passing and our condolences to all of them on their loss of a good husband, father, grandfather, and brother. And our condolences to each other on our loss of the best of friends. May I conclude by requesting that all you join me in a few moments of silent prayer, each of us in his or her own way asking the good Lord to grant this good man the blessings of eternity. May Charles Stone Jones rest in peace eternally.

#### EMERGENCY SCHOOL ASSISTANCE ACT

Mr. MONDALE. Mr. President, the program which would be implemented under the Emergency School Assistance Act, H.R. 19446, passed last week by the House, has been in operation in limited form this fall under an emergency appropriation requested by the President last summer.

Amendments attached to that appropriation in the Senate and regulations

issued by HEW to govern distribution of the funds contain safeguards substantially identical to those contained in the House bill before us.

These safeguards prohibit assistance to local educational agencies which give public support to racially segregated private academies. They prohibit assistance to local educational agencies which fire or demote black faculty members. They prohibit assistance to local educational agencies which maintain segregated classrooms or extracurricular activities as a method of perpetuating segregation within so-called desegregated schools.

And yet, a carefully documented report recently issued by six civil rights groups—American Friends Service Committee, Delta Ministry of the National Council of Churches, Lawyers Committee for Civil Rights Under Law, Lawyers Constitutional Defense Committee, NAACP Legal Defense and Education Fund, Inc., Washington Research Project—demonstrates widespread abuse of these provisions and the total failure of HEW to act to correct noncompliance. Of the 295 local educational agencies visited by the six civil rights groups, 179 were found to be in clear violation of the statute and regulations. In 87 others, the six groups found significant evidence of violations. Federal funds are supporting segregated classrooms; segregated transportation systems; segregated faculties and staff; dismissal and demotion of qualified black teachers, principals, and coaches; and donation of property and services to private segregated schools. Federal funds are supporting school districts which refuse to comply with plans for student assignment submitted to HEW or ordered by Federal courts.

Mr. President, I ask unanimous consent that the report to which I have referred may appear in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. MONDALE. Mr. President, in addition, reviews of project applications by the six civil rights groups and by members of my staff demonstrate that HEW has made no concerted effort to support or encourage development of affirmative programs for quality integrated education. Rather, HEW has expended these funds as general aid on the basis of applications which lack specificity for projects which are often unrelated to the process of school integration.

One application which came to my attention was actually approved by HEW before it was received. Large numbers were approved within hours of receipt.

Mr. President, on the basis of the performance of HEW to date, it is my fear that provision of \$1.5 billion under the vague terms of the House bill will result in more of the same, a fraud upon the school children it is intended to benefit.

The House bill provides a double standard for funding. School districts in the South will be funded for compliance with plans of desegregation ordered by Federal courts or approved by HEW under title VI of the Civil Rights Act of 1964. School districts in the North will receive funds for projects designed either to eli-

minate or to reduce racial isolation in one or more schools. The standards contained in the House bill, nearly identical to those proposed by the administration, are negative—schools in the South will receive funds if they are under court order, regardless of whether the court order actually results in desegregated schools. Schools in the North will receive funding for "reducing racial isolation"—even though only token numbers of minority students may be affected.

As a second report issued several days ago by the six civil rights groups demonstrates, under plans prepared by the Office of Education and accepted by district courts at Justice Department urging, or accepted by HEW under title VI, many school districts continue to maintain schools that are all black or so heavily black that resegregation is certain to take place. It is my opinion and the opinion of the most distinguished legal experts that many of these plans do not meet the requirements of the 14th amendment or title VI.

For northern school districts the House bill proposes funding programs either to eliminate racial isolation in one or more schools or to reduce the number of minority group children attending racially isolated schools. Under the program as defined in the House bill, northern school districts will transfer small numbers of minority group students into previously all-white schools, which will then receive a substantial investment of Federal funds under very vague program guidelines.

Two highly destructive amendments were added to the House committee bill on the floor of the House. One, the so-called Collins amendment, would prohibit funding of voluntary programs involving transportation in de facto segregated school districts, while permitting funding of transportation required under title VI or court-ordered desegregation plans. The second amendment might well result in funding school districts which maintain segregated classrooms within supposedly desegregated schools.

Massive funding under the loosely defined criteria contained in the House bill will not increase our ability to evaluate the benefits of truly integrated education, or our knowledge of the best educational techniques to employ.

I would hope that this \$1.5 billion could be invested in a nationwide educational program to explore, on a voluntary basis, North and South, the most helpful techniques for achieving quality integrated education in public schools.

The bill prepared by the Education Subcommittee of the Committee on Labor and Public Welfare would establish such a program.

Over 40 percent of the funds authorized would be invested in stable, quality integrated schools, containing both educationally advantaged and disadvantaged children, within school districts throughout the Nation. The establishment of these schools would demonstrate that truly integrated education is beneficial to all of the children involved.

Ten percent of the funds authorized would be invested in voluntary programs of urban-suburban cooperation on the

model suggested by Senator RIBICOFF, to establish integrated schools containing at least half the proportion of minority group students found in the metropolitan area as a whole.

Ten percent of the funds authorized would be invested in the establishment of several demonstration education parks. Many experts, including the Commissioner of Education, Mr. Marland, believe that education parks are among the most hopeful strategies for the long-term improvement of urban education; yet it is clear that without Federal support local school districts are unable to experiment with this promising concept.

Five percent of the funds would be invested in integrated educational television on the "Sesame Street" model. A recent report by the Educational Testing Service of Princeton, N.J., indicated that such programs can play an important part in the development of crucial academic and social skills in children from all racial and economic backgrounds.

Between 10 and 15 percent of the funds authorized would be invested in special pilot programs designed to improve the academic achievement of children in minority group isolated schools. We hope that these programs will result in the development of promising strategies for the education of children in school districts where integration cannot be achieved in the near future.

Three percent of the funds would be reserved to reimburse the cost of successful suits by parents and teachers to enforce the terms of the act, of related education legislation, and the constitutional guarantees of the 14th amendment and title VI of the Civil Rights Act of 1964. By opening up the resources of the private bar, injured citizens would be provided some guarantee against the abuses which have occurred under the emergency appropriation.

Six percent of the funds would be reserved for funding of private nonprofit organizations, including community groups, for projects designed to promote equality of educational opportunity.

Ten percent of the funds would be reserved to the Commissioner of Education for allocation among otherwise authorized activities.

The issues are not easy ones. Are we to adopt a nationwide program to fund innovative, hopeful programs in integrated education, carefully designed, in order to increase the body of our knowledge concerning this most urgent and divisive of educational issues? Or are we to follow the course of expediency by appropriating vast sums of money to the discretion of an administration whose negative and highly political approach in this area has been documented time and again?

The Senate floor in the waning days of this legislative session is not the place to begin exploration of these questions. The Education Subcommittee under the able leadership of the distinguished Senator from Rhode Island has held extensive hearings on these issues. The Select Committee on Equal Educational Opportunity, of which I have the honor to be chairman, has invested nearly 9 months

of intensive work in an effort to understand the problems.

I, therefore, view with particular regret the administration-sponsored tactic last week which stopped the House bill at the Senate desk and thus prevented its consideration by the Committee on Labor and Public Welfare.

On the day that the House bill reached the Senate, last Monday, the Committee on Labor and Public Welfare has scheduled a special executive session to consider it. The chairman of that committee, the able and distinguished Senator from Texas, had obtained special permission from this body for the committee to meet, despite a general objection to committee meetings while the Senate was in session.

During that morning, four members of the Committee on Labor and Public Welfare, including Senators PELL, JAVITS, PROUTY, and myself, met with Secretary Richardson and with Eugene Cowan, a member of the White House staff. We asked the administration to permit the House bill to be referred to committee, and promised our best efforts to assure that a bill would be promptly reported to the Senate floor, with the benefit of consideration by the committee and a committee report. But in the face of our request and in the face of the efforts of our chairman, the House bill, at the request of the administration, was held at the desk. This parliamentary maneuver added yet another complex and sensitive issue to the complex and sensitive issues facing this body, while depriving the Senate of the advice of its Committee on Labor and Public Welfare.

I am sure the administration believes that holding the House bill on the floor has increased its chances of final passage, but the administration is mistaken. Under no conceivable circumstance could the Senate accept this bill in its present form, with, among other major defects, the disastrous Collins amendment prohibiting the funding of voluntary programs which involve transportation in so-called "de facto" districts, while permitting funding of transportation programs adopted pursuant to court order or title VI plans. Since there will be differences in any event between the Senate and House bills, there must be a conference.

The Labor and Public Welfare Committee of the Senate and the Education and Labor Committee of the House have excellent records in reaching agreement in conference. There is every reason to expect that the interest of the children who are the intended beneficiaries of this legislation will be best served by the enactment of a genuine Senate bill and reliance on the conference procedure. The administration has done a disservice to the legislative process by keeping the House bill from committee for a full week. I hope that it will not compound its error by continued reliance on parliamentary stratagems.

Mr. President, if necessary I will work to improve the House bill. If necessary, I will submit amendments which I hope will have that effect. But I do not believe that, in the closing hours of this session, the Senate can fulfill its respon-

sibilities to face and to resolve the major issues of national educational policy presented by this legislation, without the advice of the committee which bears responsibility in this area.

#### EXHIBIT 1

#### THE EMERGENCY SCHOOL ASSISTANCE PROGRAM—AN EVALUATION

##### INTRODUCTION AND SUMMARY

The promise of the Emergency School Assistance Program has been broken.

Funds that were appropriated by the Congress last August to help desegregated public schools have been used for general school aid purposes unrelated to desegregation. In many instances, funds have been granted to school districts that are continuing to discriminate against black children.

This report, prepared by a group of private organizations concerned with the problems of race, education and poverty, is an evaluation of the first months of the administration of the Emergency School Assistance Program (ESAP). The report is based upon personal visits to nearly 300 school districts receiving ESAP grants by attorneys and by other persons experienced in school desegregation problems, and upon a review of the grant proposals of over 350 successful applicant districts.

We found serious defects in the administration of the program.

1. Large numbers of grants have gone to districts engaging in serious and widespread racial discrimination. Of the 295 ESAP-assisted districts which we visited, 179 were engaged in practices that rendered them ineligible for grants under the statute and the Regulations. In 87 others, we found sufficient evidence to consider the districts' eligibility questionable. In only 29—less than 10 percent—did we find no evidence of illegal practices. Specifically, we found:

94 clear and 18 questionable cases of segregation of classrooms or facilities within schools;

47 clear and 10 questionable cases of segregation or discrimination in transportation;

62 clear and 4 questionable cases in which faculties and staff had not been desegregated in accordance with applicable requirements;

98 clear and 123 questionable cases of discrimination in dismissal or demotion of black teachers or principals;

12 clear and 4 questionable violations of student assignment plans approved by HEW or ordered by the courts;

13 clear and 39 questionable cases of assistance by the grantee school district to private segregated schools.

2. ESAP funds have been used to support projects which are racist in their conception, and projects which will desegregate black students within integrated schools.

3. A substantial portion of the "emergency" desegregation funds have not been used to deal with desegregation emergencies; they have been spent for purposes which can only be characterized as general aid to education. Many of the grants are going to meet ordinary costs of running any school system, such as hiring more teachers and teacher aides, buying new textbooks and equipment, and repairing buildings—needs that desegregating districts have in common with school systems throughout the United States.

4. Grants were made to school districts that are not operating under terminal desegregation plans and therefore do not meet the initial condition of eligibility for ESAP funds.

5. In the haste to get some money to as many southern school districts as possible, ESAP money has been dissipated in grants which in many cases are too small to deal comprehensively and effectively with the problems of desegregation.

6. In contrast to the hasty and haphazard way in which grants for school districts have



been approved, the significant provision of the ESAP Regulations authorizing community groups to receive grants under the program to lend their assistance to the desegregation process has been virtually ignored—not a single grant has been made to a community group.

7. In many districts, biracial advisory committees have not been constituted in accordance with the requirements of the Regulations.

8. The funding priorities used by ESAP administrators have been distorted. Only a very small portion of ESAP funds have gone to projects that emphasize student and community programs designed to improve race relations in desegregation districts.

ESAP grants are being distributed to school districts on a quarterly basis. In most cases, only the first of four federal payments has been made. Thus, before any additional money is spent, HEW still has an opportunity to correct in part the mistakes that have been made—at least to require civil rights compliance by recipient districts—and to redirect the program toward the ends which Congress intended. We are issuing this report now in the hope that responsible federal officials will take appropriate steps and end the abuses we have found in the program.

#### CHAPTER I. A DESCRIPTION OF THE EMERGENCY SCHOOL ASSISTANCE PROGRAM

##### A. Legislative history

On March 24, 1970, President Nixon issued a comprehensive statement setting forth his Administration's policies on school desegregation. He called for the enactment of a two-year \$1.5 billion program, designed in part to assist school districts "in meeting special problems incident to . . . desegregation." On May 21, 1970, in a second message, the President noted the large number of school districts in the South scheduled to implement terminal desegregation plans at the start of the 1970-71 school year, and called for immediate appropriation of \$150 million to aid these districts in the process of desegregation.<sup>1</sup> In August, Congress responded by granting half of the President's request, appropriating \$75 million and thereby establishing the Emergency School Assistance Program.

In the Senate hearings at which the Administration's proposal was considered, concern was expressed that the projects that would be funded were likely to be ineffective, or, worse, harmful to the desegregation process. It was feared that the funds would be used to assist districts engaged in discriminatory practices, that they would duplicate existing school aid programs and that the community would not be involved in the development and implementation of ESAP projects. Some critics argued that the proposal amounted to a political pay-off to the South to assuage the reaction to desegregation requirements, and that there was no "emergency" requiring a precipitate infusion of new federal funds.<sup>2</sup>

Senator Mondale questioned whether federal "aid to desegregation" might actually be used to support districts engaging in discriminatory practices. He cited a number of practices which had been reported in nominally desegregated southern districts, including segregated classrooms, segregation and discrimination in extracurricular activities, discriminatory treatment of black teachers and principals, pupil segregation through testing and tracking, and aid by public school systems to segregated private schools.

Responding for the Administration, Secretary Finch conceded that these abuses existed, but assured the Committee that:

"[the Administration would] under no circumstances . . . fund districts . . . who are or demote anyone on the basis of race

or with segregated classrooms or other basic things that you mentioned."

Secretary Finch also promised that ESAP would be administered as a competitive grant program, with money going only to those districts whose proposals showed specific promise of dealing comprehensively and effectively with the problems of desegregation.<sup>3</sup> This would make more likely the rejection of proposals with little or no relation to problems of desegregation.

In appropriating \$75 million for ESAP, Congress placed only three substantive restraints on the program. Two dealt with particular racially discriminatory practices—aid by school districts to private schools which discriminate on the basis of race in admissions, and the withdrawal of local and state funds from public schools as a result of desegregation. The third was designed to open up the program to northern school districts and to districts desegregating under the orders of state courts as well as federal courts and state administrative agencies.<sup>4</sup> The balance of ESAP remained to be formulated in the Regulations to be adopted by the Secretary of HEW.

##### B. ESAP regulations

###### 1. Preventing use as general aid

The overall thrust of the Regulations is to confine ESAP grants to projects meeting "special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools," and hence to bar the use of the money as general aid to education. The money is to contribute to the cost of "new or expanded activities . . . designed to achieve successful desegregation."<sup>5</sup> The Regulations established as the criterion for determining whether and to what extent a district should be aided under the program, the "relative promise of the project or projects to be assisted in carrying out the purpose of the program" and "the extent to which the proposed project deals comprehensively and effectively" with problems of desegregation.<sup>6</sup>

The portion of the Regulations describing "authorized activities" which can be funded under the program list several which may or may not relate to special problems of desegregation:

"Providing for individualized instruction, team teaching, nongraded programs, and the employment of master teachers"

"Upgrading basic skills and instructional methodologies"

"Providing teacher aides whose employment will help improve instruction in schools affected by desegregation."

The inclusion of these items created the need for rigorous evaluation of grant applications to assure that projects falling within these categories were specifically related to problems of desegregation, so that ESAP money would not be used as general school aid.

###### 2. Prohibiting Grants to Racially Discriminatory Districts

ESAP, like all federal spending programs, is governed by Title VI of the Civil Rights Act of 1964, which prohibits the use of federal funds to assist racially discriminatory programs or activities. In addition, the ESAP Regulations expressly require that applicants give formal assurances that they are not engaging and will not engage in certain specifically enumerated racially discriminatory practices:

First, the past transfer of goods or services to private schools which practice racial discrimination with the purpose of encouraging or supporting such schools, or the future transfer of goods or services to such schools for any purpose;

Second, discrimination on the basis of race in the hiring, firing, promotion or demotion of teachers, principals or other staff who work with students;

Third, the failure to assign teachers and other staff who work with students so that the ratio of minority to nonminority faculty and staff in each school is "substantially the same" as the ratio in the school district as a whole;

Fourth, the use of any devices, "including testing", in the assignment of children to classes or in carrying out other school activities, which discriminate on the basis of race, or which "result in the isolation of minority and nonminority group children."

In addition, districts may not receive ESAP grants if their state or local funding has been "withdrawn or reduced as a result of desegregation."<sup>7</sup>

###### 3. Assuring Community Participation

To assure that school boards would not ignore the interests of the community in formulating and administering ESAP projects, the Regulations require biracial community committees and student participation in the program.

Each successful applicant is required to establish a biracial committee, made up half of minority and half of nonminority members. At least half of the members are to be parents of children directly affected by the district's ESAP-funded project. Where a biracial committee of this general character has been established by court order, that committee is to act as the ESAP committee. Where no court-established committee exists, school officials are to select a group of organizations "which, in the aggregate, are broadly representative of the minority and nonminority communities to be served." Each of these organizations appoints one member to the biracial committee. School officials are then to appoint sufficient additional members to bring the committee to the 50-50 minority-nonminority ratio required, and to assure that at least 50 percent of the members are parents.

School officials must consult with existing court-established advisory committees both on the formulation and the administration of the ESAP-funded program in the district. Where no court-established committee exists, however, the officials need only list the nominating community organizations in their grant application, and are given 30 days after the approval of their grant to assemble the committee. Thereafter, school officials are required to consult with the committee concerning the administration of the project.<sup>8</sup>

The Regulations further require that with the opening of school, a student advisory committee, half minority and half nonminority, be selected "by the student body" of each secondary school affected by an ESAP project. School officials must consult with the student advisory committee with respect to carrying out the project and the "establishment of standards, regulations, and requirements regarding student activities and affairs."<sup>9</sup>

###### 4. Authorizing Grants to Private Groups

The Regulations provide for ESAP grants to private nonprofit groups, where such groups propose projects which will assist in the desegregation process. Ten percent of the money appropriated for ESAP is set aside for such grants. Any part of the 10 percent not spent on these grants is to be reallocated to the general program and made available to school officials.<sup>10</sup>

##### C. Administration of ESAP

###### 1. Grants to School Districts

The funds for ESAP were appropriated on August 18. The Regulations governing the program had already been prepared, and they were published in the Federal Register on August 22. The Commissioner of Education was vested with responsibility for the administration of the program, and he delegated this responsibility to the Office of Education's Division of Equal Educational Opportunity (the Title IV office).<sup>11</sup> Grant appli-

Footnotes at end of article.

cation forms had also been prepared, and they were distributed and explained to school superintendents in hastily arranged statewide meetings in each of the southern states, the earliest of which was held on August 20. At these meetings, great stress was placed on the speed with which applications would be processed; school officials were told to go home for a day or two, decide what their needs were, and then reassemble at workshops manned by Title IV personnel, at which time they and the federal officials would jointly fill in the details of the grant applications.<sup>15</sup>

In the days following, teams of Title IV experts helped hundreds of school officials through the necessary paperwork and the grant applications started pouring in. The first grant, \$1.5 million to Jackson, Mississippi, was announced on August 28. By October 2, 488 grants had been awarded, totaling over \$26 million. By October 30, 722 grants were committed, obligating over \$47 million.

This large number of grants within such a short period of time was possible only because the Title IV regional offices were placed under a "36 hour turn-around" requirement in processing formal applications—that is, an application had to be approved (or disapproved) within 36 hours after it was received in the regional office.

Because of this extraordinary time pressure, grant applications received little or no substantive evaluation. Within days after the process started, the concept of a competitive program of adding selected districts according to the promise of the proposals to deal comprehensively and effectively with desegregation problems—the criteria mandated by the Regulations—had been largely abandoned. In some cases, districts were being quoted "ballpark figures" approximating the grants they might receive, based upon such mathematical factors as the size of the districts' budgets, the number of minority students, and the number of students reassigned under their desegregation plans. The substance of the districts' proposals—their relationship to problems of desegregation or lack thereof—played little role in the calculation.

Similarly, civil rights compliance review was made almost impossible by the demand for speedy and widespread distribution of money. Early in the process, the Civil Rights Division of HEW's Office of the General Counsel called individuals familiar with school desegregation problems, such as the field representatives of the American Friends Service Committee, to determine if there were reports of violations of Title VI or of the ESAP Regulations in the applicant districts. But this practice was soon abandoned, apparently because it caused too much "delay" in processing applications. The civil rights compliance "check" was thereafter reportedly limited to a review of HEW files to determine whether there were any outstanding civil rights complaints against the applicant district. If there were none, the district was assumed to be in compliance. The importance of civil rights compliance was thus seriously downgraded.

## 2. The Neglect of Private Groups

In many school districts, there are community organizations which for many years have fought for school desegregation while school officials fought against it. These groups have shown a commitment to desegregation and have developed expertise in the field. Black community organizations can help black students adjust to desegregation, and bring home a black viewpoint to white parents, students and teachers who may have had little prior contact with black people as equals. Private biracial human relations groups have useful experience in running programs designed to promote interracial communication and understanding. It was to assist these organizations, that part of the ESAP money was reserved for grants

to such private groups. But, in sharp contrast to the public grant side of ESAP, the program of grants to private nonprofit groups has been characterized by stagnation and delay. At the outset, this program was severed from the main ESAP grant machinery, because high-level Title IV officials opposed the concept of ESAP grants to private groups.<sup>16</sup> The private groups grant program was temporarily turned over to the Center for Community Planning in the Office of the Secretary of HEW, a body with little previous experience either in distributing federal grants or in dealing with problems of school desegregation.

Grant applications for public ESAP projects were already available when the program became law on August 18, and within days these applications were being distributed and explained to school officials. By contrast, the government did not even inform leaders of private groups active in school desegregation of the availability of ESAP. When some of these groups learned of the program and sought help in taking advantage of it, they were told that the Title IV meetings were primarily for school officials; that they were free to attend but could expect neither information about their aspect of the program nor assistance in formulating proposals.

Application forms for private groups were not available until October, when meetings were finally held in Atlanta and Dallas to acquaint selected community leaders with the program. By this time, administration of the private groups aid program had been transferred to a special agency established within the Office of Education for this purpose. By the middle of November, not a single grant to private groups had been made. As a result, the important contribution which these groups might have made in the crucial opening months of school in newly integrated districts has been lost.

## FOOTNOTES

<sup>1</sup> The emergency funds for ESAP were appropriated under authorizations granted in six statutes: the Educational Professions Development Act, Part D (20 U.S.C. 1119-1119a); The Cooperative Research Act (20 U.S.C. 331-332b); the Civil Rights Act of 1964, Title IV (42 U.S.C. 2000c-2000c-9); the Elementary and Secondary Education Act of 1965, section 807 (20 U.S.C. 887); the Elementary and Secondary Education Amendments of 1967, section 402 (20 U.S.C. 1222); and the Economic Opportunity Act of 1964, Title II (42 U.S.C. 2781-2837).

<sup>2</sup> Hearings on the administration's proposal were held before the Subcommittee on Education of the Senate Committee on Labor and Public Welfare ("Pell Hearings"), on June 9 and June 30, 1970; and before the Senate Select Committee on Equality of Educational Opportunity ("Mondale hearings"), on June 16, 22 and 24, 1970. The concerns noted in the text were expressed by Senators Mondale and Kennedy at the June 9 Pell hearing, by Winifred Greene and M. Hayes Mizell of the American Friends Service Committee and Melvyn Leventhal of the NAACP Legal Defense Fund at the Mondale hearings, and by Marian Wright Edelman of the Washington Research Project at the Pell hearings.

<sup>3</sup> Pell hearings, at page 57 (printed record).

<sup>4</sup> Pell hearings, at page 58.

<sup>5</sup> P.L. 91-380, "Emergency School Assistance. For assistance to desegregating local educational agencies as provided under Part D of the Educational Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Amendments of 1965, section 402 of the Elementary and Secondary Education Amendments of 1967, and title II of the Economic Opportunity Act of 1964, as amended, including necessary administrative expenses there-

for, \$75,000,000: *Provided*, That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be used to calculate the allocations and proration of allocations under section 102(b) of the Economic Opportunity Amendments of 1969: *Provided, further*, That no part of the funds contained herein shall be used (a) to assist a local educational agency which engages, or has unlawfully engaged, in the gift, lease or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin; (b) to supplant funding from non-Federal sources which has been reduced as the result of desegregation or the availability of funding under this head; or (c) to carry out any program or activity under any policy, procedure, or practice that denies funds to any local educational agency desegregating its schools under legal requirement, on the basis of geography or the source of the legal requirement.

<sup>6</sup> 45 C.F.R. Part 181.2. The Emergency School Assistance Program Regulations are to be found at 45 C.F.R. Part 181. They are cited herein as Regs.

<sup>7</sup> Regs. 181.10.

<sup>8</sup> Regs. 181.4(c)-(d).

<sup>9</sup> Regs. 181.6(a) (4) (D)-(G).

<sup>10</sup> Regs. 181.6(a) (4) (B) (ii).

<sup>11</sup> Regs. 181.7.

<sup>12</sup> Regs. 181.8.

<sup>13</sup> Regs. 181.3(b)-(c).

<sup>14</sup> The Division of Equal Educational Opportunity administers the program of federal grants, authorized by Title IV of the Civil Rights Act of 1964, to provide technical assistance to school districts undergoing desegregation.

<sup>15</sup> These accounts of the meetings between Title IV officials and local school officials are based on reports by staff members of the American Friends Service Committee and the Washington Research Project, who attended meetings held in Alabama, Louisiana, Texas and Virginia.

<sup>16</sup> At a meeting between Title IV officials and local school officials, held August 24, 1970 in Austin, Texas, and attended by a member of the Washington Research Project staff, a Texas state education official stated that Title IV officials had told him that they expected that most of the money set aside for grants to private groups would not be spent for that purpose, but would be reallocated for use by school officials.

## CHAPTER II. THE EXPENDITURE OF ESAP FUNDS

In connection with this study, the Department of Health, Education and Welfare was asked to make available the applications from school districts to which grants had been made under ESAP. In response, 368 approved applications from school districts in 13 states were provided. These represent slightly more than 50 percent of the applications approved by October 30, and 43 percent of the funds obligated by that date.

A review of these applications reveals that ESAP grants have been made to school districts that are ineligible under the Regulations. Other ESAP grants have funded projects that are racist in their conception, or that may lead to resegregation. The primary use for which ESAP funds have been approved has been general school aid unrelated to the "special needs" occasioned by the desegregation process. Moreover, ESAP funds have been awarded in a manner which relegates vital community and student programs to a minor role. Finally, funds have been distributed in small grants among many districts, and the priority that the Regulations establish for comprehensive projects has been ignored. In each of these respects, the purposes of the program have been badly distorted.



### A. Grants to ineligible districts

The ESAP Regulations establish certain preconditions to eligibility for an ESAP grant. Among these are the requirement that the school district be desegregating under a plan calling for the complete elimination of the dual system and approved by a federal district court or by HEW, and the requirement that the grant application, at the very least, list the community organizations which have been selected by the school board to nominate the members of the biracial advisory committee.<sup>1</sup> Our review of ESAP approved applications has revealed that school districts have been funded despite their non-compliance with these explicit requirements.

#### 1. Grant to Districts Without Approved Desegregation Plans

Northampton County, Virginia does not have an approved plan—indeed federal financial assistance to that district was terminated under Title VI on September 13, 1968 because of its refusal to adopt an acceptable plan. Nevertheless, it is receiving a \$28,000 grant. Stewart County, Georgia is still operating under an obsolete freedom of choice plan dating from before 1968, yet it is receiving a \$40,000 grant in violation of the requirement that ESAP applicants be operating under terminal plans effective in the 1968-69 school year or thereafter.

The Metropolitan Public Schools of Davidson County (Nashville), Tennessee was granted \$565,400 in SEAP funds. Nashville has submitted a plan for faculty and student desegregation to the federal district court. But while the court approved the faculty plan, it reserved judgment on the student plan until the Supreme Court decides on the school cases now pending before it. Thus Nashville does not have the terminal desegregation plan required by the Regulations.

#### 2. Grants to Districts Out of Compliance with the Advisory Committee Requirement

A number of districts are receiving ESAP grants although they have not followed the Regulations requiring the establishment of a biracial advisory committee. Some make no mention at all of such a committee, although the Regulations specify that a list of the community organizations selected to nominate the members of the committee must accompany each application. Among these districts are Newport and Prescott County, Arkansas, and St. Clair County, Alabama.

The Regulations specify that each applicant district is to name between five and fifteen organizations, "which in the aggregate are broadly representative of the minority and nonminority communities to be served." These organizations are each to name a member to the committee. Only then are school officials authorized to select additional committee members, and then only to the extent necessary to achieve the required ratio of minority and parent members.<sup>2</sup> Many successful applicants appear to have violated these provisions in forming their biracial committees.

In Camden County, Georgia, the seven members of the biracial committee were selected by the school board "according to contact with the people and interest in the progress of the Camden County community." In Butts County, Georgia, the eight members of the committee were selected by the school administration with the intent to obtain a cross-section of the community . . .

In Russell County, Alabama the temporary committee members were "selected from among community leaders known to be cooperative in matters pertaining to education." The purpose of the Regulation requiring selection by community organizations and not by the school board is precisely to avoid a committee made up of persons whom school boards, which have long op-

posed desegregation, considered to be "co-operative."

Even in those districts which did choose organizations to select members of the biracial committee, there are serious questions whether the organizations chosen encompass a broad range of community opinion. For example, Cleveland, Tennessee is receiving an ESAP grant to hire a black person with expertise in guidance and counseling "to give the image of a black person working in a responsible position" in the school system. This project was proposed in response to pressure from the local branch of the NAACP which organized a two-day boycott of the schools. In its ESAP application, the school district lists five organizations which will select members of the biracial advisory committee. The Cleveland NAACP branch is not among them.

### B. ESAP funding of racist projects

ESAP funds have been approved for the support of a variety of programs which are racist in their conception, and which are likely to exacerbate the level of racial tension.

#### 1. Character and Hygiene of Black Students

Andalusia, Alabama proposed a "community program" to deal with the "morals, conduct, health and personal standards of black students and the home environment of black students . . ." According to the application, "the houses and neighborhoods (of black children) are generally unattractive. Little effort is made to make the surroundings attractive with flowers, pictures or furnishings . . ." The grant will pay for visits by teachers to the home of each black child.

Similarly, Lake County, Tennessee defined its emergency as the general character of black children. According to the district's application, black children "show poor self concepts . . . use dirty, vulgar language . . . show poor oral hygiene and health habits . . . (poor bathroom habits) . . . display poor eating habits and table manners." ESAP money was granted to hire a physical education director whose job is to deal in some undefined way with the board's concept of the "character" of their black students.

Lee County, Georgia received an ESAP grant to provide bathing facilities for black children. The application asserted that because the homes from which these students come are without "modern bathing facilities, cleanliness, good health and sanitary conditions in the school demand" the provision of these services.

Madison County, Mississippi described its most "pressing problem brought about by court ordered desegregation" as the "sanitation and personal hygiene" of its students. "For students to accept close association with the opposite race, a very close watch must be kept on the cleanliness of all aspects of the operation of the school. This is especially true with females." ESAP money was granted to hire a female hygienist for each of its four schools.

Caswell County, North Carolina emphasized the concern of parents that "a child would be assigned to an ill-kept drab environment; given dirty books and forced into class association with dirty peers." It defined its emergency as "a wide variety of family values and standards of living, from the child who sleeps in the same underwear he wears to school for a week without change and emits odors offensive to those in proximity, to the child who comes to school each day freshly bathed and groomed." Its \$95,000 grant will be used for programs "facilitating desegregation through upgrading total individual and group health: physical, emotional, mental and social."

#### 2. Resegregation

Some projects, by their design, suggest a new effort on the part of local school officials to resegregate students within the "in-

tegrated" schools, with the direct assistance of the federal government.

Douglas County, Georgia received an ESAP grant to purchase two vans for the purpose of transporting black students from the junior high schools to cooperating businesses, industries and service centers "so that learning experience would more nearly meet the individual needs of the black students." Thus ESAP money is funding a project that is based on the assumption that only black students need vocational as opposed to academic training—and which removes black students from the newly integrated school.

According to the application filed by Wichita Falls, Texas, it is necessary, because of a shortage of school buses, to keep 476 black elementary students at a "closed" school for the first hour of the school day. There are too few buses to transport all the white students according to a regular schedule. After the other students are transported, the buses come for the 476 and take them to several "integrated" elementary schools. ESAP money was granted to employ teachers and aides to teach these students for the first hour and then to move and stay with them for the rest of the day, thus effectively assuring that they remain in separately identifiable racial groups.

#### 3. Other Racist Projects

Greenville, Mississippi traces its emergency to the "politics of confrontation and anti-thesis strategies (sic), applied by inauthentic critics skilled in the use of negative propaganda and disruptive procedures." To meet this crisis, Greenville was granted \$30,580 to fund "some form of competent supervision and/or surveillance under the direction of legally constituted authority."

At least one district applied for and received an ESAP grant to pay the salary of a former black principal who was demoted when the school was desegregated. Humboldt, Tennessee is receiving \$10,000 to pay the salary of the "black associate principal [who] can work closely with the black students as well as the whites." He was formerly principal of a black school in the district.

#### C. General aid to education

A substantial number of successful applicants sought ESAP funds to supplement their general education budgets by paying for more teachers, more janitors, more equipment and more supplies. While these expenditures may be worthwhile, they represent needs shared by all school systems, whether or not they are engaged in the process of desegregation. In some cases, the proposals did not even attempt to link the money to desegregation. In many others, the nature of the projects funded indicates that no more than lip services was paid to the requirement, explicitly set forth in the Regulations, that ESAP projects be designed to meet the special costs of desegregation.

#### 1. Teacher Aides and Teacher Training

Of the applications we have reviewed, more ESAP money went for teacher aides and teacher training than for any other single purpose. Frequently, no effort was made to tie the need for the aides to desegregation.

For example, Charlotte County, Virginia is receiving \$11,100 to hire four aides so that the school libraries can be kept open during the entire school day.

Nassau County, Florida is receiving \$25,000 to help in the districts "effort to improve our school system" by providing teacher aides and additional clerical personnel because "first grade teachers are required to do too much clerical duties" and "librarians offer little help to students, teachers and administrators."

Greenville, North Carolina is receiving \$41,700 to employ 12 teacher aides to reduce time pressures on the regular teachers. This need was explained in terms of a recent defeat of a referendum to increase local financial support for the schools, which, together with

Footnotes at end of article.

the demand for higher salaries, had "necessitated a reduction in the number of locally paid personnel."

Laurel, Mississippi will spend \$14,476 out of a \$50,000 grant to train teachers in the use of certain unspecified equipment. Amite County, Mississippi is receiving \$10,200 in ESAP funds to pay overtime stipends to the professional staff for their attendance at training programs designed to increase teaching efficiency through the explanation of "recent innovative techniques and methods."

## 2. Textbooks and Physical Equipment

Millions of dollars of ESAP money have been allocated to the purchase of new classroom materials, including textbooks, and for the purchase of such items as playground equipment, softballs, ping-pong tables, intercom systems, "35 individual air-conditioning units in teacher stations," film strips, projectors, tape recorders, television sets and shower facilities. Many systems will use all or substantially all of their ESAP funds for expenditures of this kind.

LaMarque, Texas will use half of its \$30,941 ESAP grant to complete a television project at the high school. The school district had planned a central television studio and a closed circuit system connecting every classroom. But "due to lack of funds," the program was not completed. ESAP will now provide the money to finish wiring the classrooms, to buy movies and a tape recorder, and to pay the part-time salary of a person associated with the television program.

Wilson County, North Carolina will use part of its ESAP money to buy playground equipment, which was not available at any of the schools in the past, so that children can "work and play together successfully."

Sampson County, North Carolina will spend \$21,000 in ESAP funds for equipment, including manual and electric typewriters, washers and dryers, steam irons and ironing boards, projectors, duplicators, microscopes, vacuum cleaners, a table, a lamp, two upholstered chairs, a commercial refrigerator and oven, piano casters, an automatic blanket cleaner attachment, and a kitchen sink.

Charleston County, South Carolina will use its \$441,218 grant to establish a television studio—to equip it, air condition it, staff it and maintain it. Flagler County, Florida will use its entire \$15,000 grant to renovate its physical education dressing room and shower facilities. The application states that "lack of a proper climate control system with an attending high humidity has brought about an understandable dissatisfaction on the part of both students and physical education teachers." The money will be used for the installation of an air and climate control system and for addition of more showers and toilets.

While many districts receiving money for general aid did not refer to desegregation, others made contrived attempts to link their general aid requests to the purposes of ESAP. For instance, Berrien County, Georgia sought and was granted money to purchase electric fans on the grounds that "a closed classroom in a South Georgia climate can be unbearably hot without [a] cooling system." The fans "should make students of all races more at ease in the classrooms."

## 3. Curriculum Revisions

Several districts have received grants for curriculum revision, with no effort to relate their proposals to problems incident to desegregation. Jackson, Mississippi, which was awarded the first and one of the largest ESAP grants, \$1.5 million, is a case in point.

The Jackson application defines its emergency not as making desegregation work, but as saving the city from the effects of it. The application states:

"This change [court ordered desegregation] has created a crisis in the city. There are indications that unless rapid and dramatic improvement in the quality of education can be demonstrated... the City will suffer economically and socially... Ways must be found immediately to redevelop the public schools so that they will merit and attract the confidence and support of all citizens in Jackson, Mississippi. There is evidence to indicate that unless this is done, educationally, socially and economically, Jackson will not grow but will be eroded by conditions that exist."

Over one-half of the 1.3 million dollars granted to Jackson was authorized for a general curriculum revision program which is simply designed to upgrade the quality of teaching in the school system.

Pinellas County, Florida proposes to use its entire \$125,459 ESAP grant on "Project Read", a program designed "to dramatically increase the reading abilities of 3800 students" in the system. Referring to the success of this same program in Detroit, New York, and San Francisco, the application states:

"The inadequacy of conventional reading instruction in this county's large urban communities is a well established fact... The typical student in the large urban school system is not learning to read adequately."

## D. The minor role of community and student programs

In connection with congressional consideration of the Administration's school desegregation aid proposals and the development of the ESAP program, civil rights advocates experienced in the desegregation process strongly urged that the highest priority under any desegregation aid program be accorded to community and student projects, which would disseminate information about desegregation plans, bring students, teachers and parents together to discuss desegregation problems, and establish mechanisms through which students could resolve potentially volatile issues arising out of the desegregation process. HEW officials gave their assurances that projects of this kind would in fact be emphasized in the administration of the ESAP program.

The events of the past few months strongly corroborate the need for student and community programs to alleviate tensions associated with school integration. Almost daily, there have been press reports of racial incidents in desegregated schools.

In fact however, only a small number of districts received funds for programs involving student or community activities aimed at alleviating these kinds of problems. Of the 368 districts we reviewed, only 97 had community programs funded. In Georgia, for example, only 13 of 113 approved applications we reviewed included community programs. Only 1.7 percent of the money spent in Georgia was directed toward such programs.

Student programs received even less emphasis, with only 60 of the 368 districts receiving funds for programs of this kind. The student programs, in their entirety, accounted for less than two percent of all ESAP money allocated in the districts we reviewed. Many districts with very large grants and ostensibly comprehensive programs, such as Jackson, Mississippi; Nashville, Tennessee; Charleston, South Carolina; and Dougherty County, Georgia requested nothing for student programs.

## E. Failure to fund comprehensive projects

ESAP has been administered on the principle that grants should be made to a large number of districts as quickly as possible. In implementing this principle, the Title IV Office has abandoned the mandate of the Regulations, under which the decision whether and to what extent a district should

be funded was to have been based on the promise the district's proposal showed of dealing comprehensively and effectively with special problems of desegregation.

The approved applications we reviewed supply evidence that the competitive approach was not followed. First, some proposals which did include a comprehensive treatment of desegregation, including student and community projects, were severely cut, apparently because the districts were not large enough to warrant grants of the size needed. On the other hand, a large number of very small grants were made—grants too small to deal comprehensively with the problems in the district.

For example, Beggs, Oklahoma proposed a series of biracial workshops for parents to discuss and attempt to resolve personal or emotional problems that may be occasioned by the integration of the schools. The \$85,570 requested was reduced to \$12,672, and the district abandoned its parent workshop program in favor of hiring a counselor and buying some instructional supplies.

Okmulgee, Oklahoma developed a \$250,000 plan which included financial assistance to a biracial human relations committee and a home visitation program. Almost 80 percent of the request was denied, and the district struck from its proposal everything but teacher aides and a school bus.

Demopolis, Alabama applied for \$177,754 to institute a comprehensive plan which included a community liaison staff, special pupil personnel services, teacher preparation programs, and student tutorial programs. The school district was granted only \$27,664. Of this amount, \$17,214 was allowed for an administrator with supporting clerical help, travel expenses and supplies, to "effectively administer the program"—a program which had been almost totally eliminated by the Office of Education.

By October 30, a total of 88 school districts had been awarded ESAP grants of less than \$10,000 including several of less than \$2,000. For example, Maury, Tennessee, with a request for \$16,500 was awarded \$1500 which paid part of the cost of one bus. Hawkinsville, Georgia requested \$64,000 but was granted only \$5,000, which will be used to purchase supplies for industrial arts and vocational education classes. Numerous comparable examples could be cited. An unfortunate result of this approach is that there will be few, if any, models of the use of special federal funds to deal comprehensively with desegregation problems. Such models could have provided valuable lessons concerning the validity of the basic assumption of the Emergency School Assistance Program.

## F. Conclusion

The grant-making process under ESAP apparently operated on the assumption that a general financial emergency existed in desegregating school districts, an emergency which could best be met by the distribution of some federal money to as many of these districts as could be reached in the shortest possible time. The administrators left it largely to school officials to define the nature of the desegregation emergencies in their districts; little in the way of direction or evaluation was provided by the Office of Education.

This administrative policy produced predictable results. In some instances, the projects funded were based on racist assumptions—that black children have special defects of character, that they are specially suited to training for menial jobs, that they have poor hygiene. Districts not even engaged in terminal desegregation were funded. The community participation provisions of the Regulations were weakly enforced. Most noticeably, large amounts of federal "desegregation money" was spent on projects which had little or nothing to do with desegregation. School officials asked for, and were given, more of the same—more hardware,



more textbooks, more school supplies and more teachers and teacher aides.

The funding of racist projects and clearly ineligible districts could be remedied by minimal care in processing and evaluating grant applications, but the general demand for money for projects largely unrelated to desegregation might suggest that the whole program was ill-founded, that there never was any desegregation "emergency" requiring federal financial assistance. We do not believe this to be the case. Racial tension is high in many desegregating districts, and the mixing of black and white students in school buildings has often failed to produce a genuine integrated educational experience.

What is needed is precisely what many community leaders recommended to congressional committees and HEW officials last summer—human programs, designed to involve the students and the community directly in the process of working out the problems of desegregation in the schools. By and large, these are not the kinds of programs school officials will spontaneously propose when federal money is made available. School administrators in the South, just as in the rest of the country, traditionally oppose the active involvement of parents, students and community people in the running of the schools.

One solution is to establish student and community projects as a high priority in grant programs like ESAP, and then to enforce that priority—if necessary, by rejecting nine-tenths of the grant proposals presented. A second solution is to take seriously the notion of funding programs developed and administered by community groups.

#### FOOTNOTES

<sup>1</sup> Regs. 181.3(a) (1) and 181.7(b) (1).

<sup>2</sup> Regs. 181.7(b) (1)–(2).

<sup>3</sup> Examples of such uses were found in the following Georgia applications: Berrien County, Lee County, Madison County, Monroe County, Oconee County, Oglethorpe County, Toombs County, Wheeler County.

#### CHAPTER III. CIVIL RIGHTS COMPLIANCE IN DISTRICTS RECEIVING ESAP GRANTS

##### A. Introduction

Our monitors visited 467 southern school districts which were desegregating their systems this fall under HEW or court-ordered plans, and compiled reports describing the extent to which each district was following its desegregation plan, the extent to which racially discriminatory practices persisted in the schools after integration, and other data relevant to an evaluation of the desegregation process.<sup>1</sup> Of the monitored districts, 295 had received ESAP grants by October 30 of this year. In this chapter we summarize our monitors' findings from those 295 districts of practices which, under the terms of the ESAP Regulations or under the government's own interpretation of Title VI of the 1964 Civil Rights Act, render them ineligible for ESAP grants. Our report is not a comprehensive description of racially discriminatory practices in districts receiving ESAP grants. We have confined ourselves to noting practices clearly illegal under the standards the government purports to apply.<sup>2</sup>

Our findings about these districts are startling. In 179 of the 295 districts monitored, we found clear evidence of practices which should render the districts ineligible. In 87 districts, indications of illegal practices were found which raised serious questions about their eligibility. In only 29 districts—less than 10 percent—did we find no such evidence.

##### B. The results

##### 1. Segregation and Discrimination in Pupil Assignment

In 12 districts with ESAP grants, our monitors found clear evidence that the student

assignment plan ordered by the court or approved by HEW had not been followed. In another four districts, we found evidence of desegregation plan violations sufficient to warrant further investigation.<sup>3</sup> The most common form of plan violation occurred where geographic zoning plans resulted in both majority black schools and majority white schools in the same district. White students in the majority black schools have been allowed to transfer out of these "neighborhood" schools, often with transportation provided at public expense, resulting in resegregation. In other instances, formerly black schools closed under desegregation plans have been reopened and the students who formerly attended them have been allowed to transfer back—a version of freedom of choice which results in resegregation, since whites never choose to attend these schools and none are assigned to them. As examples of this kind of violation:

In McCormick, South Carolina, recipient of a \$47,696 ESAP grant, whites have been allowed to transfer out of two formerly black elementary schools, thus completely resegregating those schools.

In Demopolis, Alabama, recipient of \$27,664, white students assigned to formerly black elementary schools were allowed to attend white schools outside their zones, and to ride the school buses to school. The school officials have informed the parents of these students that they are violating the court order, but they have stated that students may continue to attend the schools of their choice until they are removed "by action initiated and implemented by the Federal Courts."

In St. Johns County, Florida, recipient of a grant of \$40,725, the same pattern is followed of allowing white students to transfer from majority black to majority white schools, with bus transportation provided at public expense. Ironically, a strong desegregation plan originally proposed for St. Johns County was rejected because it required too much busing.

In Vance County, North Carolina, recipient of \$86,955, a formerly white school became 75 percent black. Three weeks after school opened, a formerly black school closed by the plan was reopened, and blacks were allowed to transfer to it. A closed school, formerly white, was also reopened and white students transferred to it.

##### 2. Segregation Within Integrated Schools

Our monitors found 94 districts receiving ESAP grants which clearly engaged in illegal segregation of classrooms or facilities within schools. In another 18 districts, there are strong indications of such practices. The most widespread form of in-school segregation is the assignment of black and white children into separate classrooms. In many cases, this separation is carried out explicitly on the basis of race. Thus:

In South Pike, Mississippi, recipient of a \$21,300 ESAP grant, both black and white children are in grades 7–12 at the former Eva Gordon School. However, the classrooms in those grades are, with few exceptions, either all-black or all-white.

In Pelham, Georgia, recipient of a \$15,500 ESAP grant, the "special education" class is divided so that the white girls are in one room, and the white boys and all the black students are in another. In other instances, when their parents complained white children were allowed to transfer from integrated classes to all-white classes taught by white teachers.

In Troy, Alabama, recipient of a \$28,300 ESAP grant, the court ordered the formerly black and formerly white high schools merged. The school district "complied" by renaming the black school Henderson High School, South Campus (Henderson is the name of the white school), firing the black principal and replacing him with a white, and leaving the black students there. In-

deed, fewer black students now attend the white high school than did previously under freedom of choice.

In most instances, however, classroom segregation has been achieved through testing children and separating them into different "tracks" in different classrooms. Generally the upper tracks are all-white or nearly all-white, while the lower tracks are nearly all-black; typically, black teachers are assigned to the lower tracks and white teachers to the upper tracks. There can be no question about the illegality of ESAP grants to districts engaging in this common practice, for the Regulations explicitly bar all practices "including testing" which "result in" the isolation of black or white children.<sup>4</sup>

Troy, Alabama, already mentioned, provides a classic illustration of tracking. Troy Junior High, grades 5–8, is almost totally racially segregated between class sections, through the use of a new highly structured track system, not used before desegregation, which divides students into Advanced Academic, Vocational, and Special Education tracks. Other examples from the dozens of cases of segregation through testing are:

McCormick, South Carolina, mentioned above, introduced extensive testing last spring, with the testing reportedly paid for by federal Title I funds. As a result, one of newly integrated elementary schools contains eight totally black classrooms. No black teachers are teaching white students. It is reported that at the beginning of the year, there were "Negro only" signs on some classroom doors, and black teachers were given class roll books labeled "all-Negro." The district's ESAP grant is for a classroom for "special education," i.e., a lower track class likely to be all-black.

England, Arkansas, recipient of an \$18,100 ESAP grant, also introduced a new testing program last year on the eve of integration and, as a result, now has virtually all-black lower track classes to which most of the black teachers have been assigned.

Union City, Tennessee, recipient of a \$12,500 ESAP grant, tested students into fast, middle and slow tracks. Only one black student in the whole system is in the fast track, and several slow track classes have only one white student each.

Another device used to accomplish segregated education within a school is double sessions. Thus in Seminole County, Florida, with a grant of \$80,000 the plan called for a desegregated high school. However, officials arranged double sessions according to where students live, so that one shift is disproportionately white and the other disproportionately black.

In other districts, while black and white children sit in the same classroom, they are assigned seats according to race. Among these districts are Plum Bayou, Arkansas, recipient of a \$16,300 ESAP grant, and Jones County, Mississippi, \$35,500. In Carthage, Texas, recipient of \$47,400, white and black students are separated within a classroom by blackboards placed down the middle of the room.

In a few schools, segregation is maintained outside the classroom. Thus in Fitzgerald, Georgia, recipient of \$19,090 in ESAP money, black and white girls in at least one physical education class are assigned to separate showers. Similarly in Jefferson, Texas, a \$33,500 ESAP recipient, junior high school students dress for physical education class in racially segregated dressing rooms. Alexander City, Alabama, \$33,824, has segregated its recreation areas in two separate and unequal facilities at different schools.

##### 3. Segregated Transportation

Our monitors found 47 clear and 10 questionable instances of segregated or discriminatory school bus operations in ESAP-assisted districts. This total does not include instances in which residential segregation produced all-black or all-white buses.

Footnotes at end of article.



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