

The most common phenomenon is simply duplicate bus routes in which buses driven by black and white drivers follow the same route, picking up black and white students respectively. Among the numerous ESAP-assisted districts following this practice are Eudora, Arkansas, \$20,431, and Monroe County, Alabama, \$100,268. In Monroe County, Georgia, recipient of \$35,220 in ESAP money, the superintendent admitted the buses are segregated and said this is done because bus drivers are not qualified to handle difficulties which might arise on integrated buses. In other districts, for example, Calhoun County, Georgia, recipient of \$24,400 ESAP grant, the classic Jim Crow pattern of segregated seating is followed.

4. Racially Identifiable Facilities

The ESAP Regulations require an assurance from each applicant that it will so assign its faculty and other staff who work with students that the ratio of black to white faculty and staff in each school will be substantially the same in each school in the system.⁵ This rule is generally applied in school desegregation cases by courts in the Fourth and Fifth Circuits, which cover most of the Deep South; it has been approved by the Supreme Court; and it was adopted by President Nixon as policy for his Administration in his March 24, 1970 statement on school desegregation.⁶

Our monitors found at least 62 school districts in which the percentage of black faculty varied in excess of 15 percent from one school to another. White teachers tend to be assigned to majority white schools, formerly white schools, and higher grade level schools in greater numbers. Examples are highly repetitive, but a few representative cases are:

Nansemond County, Virginia, with an \$80,400 ESAP grant, has a 58 percent white faculty at the majority white high school, a 63 percent black faculty at the black high school, and an 86 percent black faculty at a majority black elementary school.

Decatur County, Georgia, with an \$80,000 grant, has three schools with all-black student bodies under its court order; these schools' faculties are 70, 73 and 100 percent black respectively, while the remaining nine majority white schools all have majority white faculties.

West Orange-Cove, Texas, with a grant of \$49,080, has an overall black faculty ratio of 18 percent, but only three of 13 schools are close to that ratio. Five have no black teachers at all; in one, over half the teachers are black, and two have 40 percent black faculties.

5. Discrimination Against Black Teachers and Staff

The ESAP Regulations clearly prohibit racial discrimination in the hiring, firing, promotion or demotion of teachers, principals and other school staff who work with students.⁷ Our monitors found that black teachers, principals, coaches and other staff are being fired or demoted in massive numbers in districts implementing desegregation plans. Especially in smaller districts, desegregation often means that fewer schools are operated; this invariably means that there are fewer principals and head coach positions, and it often means a general reduction of faculty size as well. Typically, where a black and white school have been merged, the black principal becomes the white principal's assistant in the integrated school, often with few or only menial responsibilities; the black coaches become assistant coaches; and if teachers are released, they are mostly black teachers.

In analyzing our monitors' reports, we have counted as clear instances of discrimination only cases in which blacks were demoted to serve under whites with lesser qualifications, or in which such disproportionate

large numbers of blacks were demoted or dismissed as to indicate a pattern of discrimination. In other cases, where our monitors could not obtain evidence of the qualifications of those dismissed or demoted, and where only a few individuals were affected, we have listed the district as "questionable."

Applying these criteria, we found 98 ESAP districts with clear violations, and 123 districts with questionable cases of dismissals or demotions of black teachers—a total of 221 out of the 295 ESAP districts monitored. We believe that even these remarkable figures understate the extent of the problem of discrimination against black teachers and staff, because our monitors did not systematically gather data on discrimination in the hiring of blacks. However, informal reports we have received indicate that discrimination in hiring is also widespread.

A few representative examples of discriminatory dismissal or demotion are:

In Gadsden County, Florida, recipient of a grant of \$133,300, most of the untenured black teachers were dropped. Many new white and no new black teachers were hired. A black elementary school principal was demoted to assistant principal of an integrated school under a white with no previous experience as a principal.

In Miller County, Georgia, recipient of a grant of \$11,000, a black man with 22 years experience as a principal in a black high school, a masters degree in administration, and post-graduate work in guidance and counseling has been made "co-principal" of an integrated high school, where his chief functions are to hand out free lunch passes and patrol the halls. A white with lesser credentials has been appointed principal. The white had been a principal before but had returned to classroom teaching a few years ago, when a few black students came to the white school under freedom of choice, reportedly because he was opposed to integration. In the same district, the black coach and band director were both demoted.

In Sumter County, Georgia, \$30,350 grant, both black band teachers were fired. The black principal, with 12 years experience in his job was made "administrative assistant to the superintendent," with an office in the jailhouse unit of the courthouse. His wife, formerly curriculum director at the black high school, shares his new office with him. Their duties are limited to "visiting" the schools in the district.

In Horry County, South Carolina, \$180,145 grant, one black principal was made director of vocational education, six were made assistant principals, and two were made classroom teachers.

In Choctaw County, Alabama, \$69,916 grant, the contracts of 19 black teachers were not renewed, and the two black band directors and all three black coaches were demoted and their salaries were reduced.

In Shelbyville, Texas, \$17,200 grant, some of the black teachers assigned to formerly white schools were made assistants to white teachers, and were not given their own classrooms. One of the black principals was retired and the other was made a classroom teacher.

6. Aid to Segregation Academies

In recent years, large numbers of all-white private schools, many of them small, underfunded and with inadequate facilities, have been established in the South as alternatives to desegregated public schools. To deal with the problem of aid and support to these "segregation academies" from public school systems, the ESAP Regulations require each applicant to give assurances that it has not transferred goods or services to any private school which "practices discrimination on the basis of race" with the purpose of encouraging or supporting the private school as an alternative for desegregated public

schools. The Regulations further require that ESAP-assisted districts will not in the future transfer goods or services for any purpose to private schools which discriminate on the basis of race.⁸

Our monitors had difficulty obtaining information about "segregation academies" generally, and about public school assistance to them in particular. In many cases these facts are known at first hand only by people with strong motivations to conceal them. Nevertheless, we found 13 clear cases of financial support of private schools by public school systems and 39 cases in which there are indications of such support. Aid generally took the form of sale of public school buildings for less than value, and the loan or gift of textbooks, school equipment, buses, or bus service.

It was still more difficult to determine whether the schools practiced discrimination on the basis of race in the narrow sense that they would refuse admission to a qualified black applicant who was able to pay the tuition. Few black parents in the South can afford private school tuition, and even fewer would wish to send their children to schools of the "segregation academy" type. However, the Internal Revenue Service recently ruled that in order to receive or maintain tax exempt status, private schools must publish in a local newspaper a statement of open admissions policy. Our monitors generally asked whether such a statement had been published by the private schools in the districts they visited. With respect to 11 of the 13, it was reported that no such statement had been published. The monitors could not obtain the information on the other two.

We take the position, however, that in determining whether a private school is "discriminating" within the meaning of the Regulations, it is irrelevant whether a private school has a formal "open admissions" policy. In our view, the Regulations forbid grants to public school systems which give aid or support to private schools established with the purpose, and having the effect, of providing alternative schooling for whites attempting to avoid the impact of a constitutionally required plan of school desegregation. As a rough indicator of whether a private school falls within this category, we have examined the date of its establishment and the makeup of its student body. If the school was established at about the time public school desegregation came to its area, and its student body is all-white, we have identified it as a "segregation academy."

Among the examples of public assistance to segregation academies are:

In Lauderdale County, Tennessee, recipient of a \$65,000 grant, a relatively new black public school was closed in 1969, and the building has since been sold at "token cost" to the operators of a private school.

In Thomas County, Georgia, recipient of a \$36,000 grant, the school board leased a public school building to the Thomasville City school district, itself the recipient of a \$69,000 ESAP grant, which in turn leased it to Meigs Academy for one dollar a year.

In several Mississippi districts receiving ESAP, Claiborne, Jefferson, Scott and Smith Counties, school officials have provided textbooks to private schools, apparently at the direction of the State Department of Education. A similar incident was reported by the press in Jackson, Mississippi, shortly after that district received its \$1.3 million ESAP grant; state and local officials admitted that textbooks had been loaned to the private academies, but justified it on the ground that the books were owned by the State Department of Education, and the ESAP Regulations applied only to aid by local school systems.

In Hinds County, Mississippi, recipient of a \$190,000 grant, public school buses with markings from several Mississippi districts, including Hinds County and Jackson, have

Footnotes at end of article.

been observed transporting children to private schools.

C. Conclusion

A large proportion of the ESAP-funded districts that we monitored are engaged in discriminatory practices specifically prohibited by the Regulations. In most instances, these practices also violate Title VI, and should bar all federal financial assistance to those districts.

In several reports, the use of ESAP money to subsidize school districts engaging in widespread racial discrimination is worse than the familiar failure to enforce Title VI.

First, it amounts to a fraud upon Congress. The Secretary of HEW explicitly promised a Senate committee that Title VI would be strictly enforced in the administration of this program. Secretary Finch's words are worth quoting again:

"We, under no circumstances, will fund districts out of compliance with Title VI—those who fire or demote anyone on the basis of race or with segregated classrooms or other basic things that you mentioned."

Second, making ESAP grants to districts engaged in these discriminatory practices amounts to HEW's acquiescence in fraud perpetrated by local school officials. The ESAP Regulations were carefully drafted to require that each applicant guarantee that it would not engage in the practices prohibited by those Regulations—among them racial discrimination in the hiring, firing, promotion and demotion of staff; the racially imbalanced assignment of staff within the school system; the use of devices, including testing, which lead to racial isolation of children within the school; and aid to private schools which practice racial discrimination. These assurances have been breached by a clear majority of ESAP grant recipients.

Finally, while it is always deplorable for the federal government to subsidize public agencies engaged in racial discrimination, it is worse when funds designed to facilitate the process of school desegregation are granted to districts openly and flagrantly pursuing racist policies which insult and degrade black children.

Recommendations

In this report, we have documented widespread misuse ESAP funds and discrimination against black children in ESAP recipient districts. This is unconscionable in any federal program; it is particularly so in a program designed to help bring an end to discrimination and promote equality of educational opportunity.

It is imperative that responsible federal officials act without delay to retrieve what remains of ESAP. It is still possible to correct some of the mistakes because no ESAP-assisted district has received more than 25 percent of its grant.

Therefore, we recommend:

That the Secretary of HEW immediately conduct civil rights compliance reviews and terminate ESAP funds to districts which are engaging in discriminatory practices. Moreover, efforts should be made to recover ESAP money already given to these districts;

That HEW undertake now a detailed review of all ESAP grant applications which have been approved. In cases where the grants are not being used to contribute to the desegregation process, funding should be discontinued;

That priority be given to the distribution of the ESAP funds reserved for private groups.

FOOTNOTES

¹ Our monitoring effort is described in more detail in Appendix A.

² We have not included the extensive reports received of other racially discriminatory practices not explicitly prohibited under government interpretation of Title VI or under the ESAP Regulations, even though we

believe that these practices constitute violations of Title VI, and hence should rule out all federal financial assistance for these districts. Among these practices are segregation of students by sex, when initiated with desegregation; the abandonment of extracurricular activities, especially dances, student clubs, and student government activities, when the schools are integrated; the use in integrated schools of racially insulting symbols, such as Confederate flags, nicknames such as "Rebels" for school teams, the playing of "Dixie" by school bands at sporting events; discriminatory treatment of black students in school discipline; and the consistent use of abusive racial epithets by teachers and administrators. We do not mean to downgrade the importance of these abuses by omitting them from this study; indeed they have been the source of much of the anger and frustration felt by black students and parents in "integrated" schools this year. We plan a full exposition of these problems and other matters in the complete report of our monitors effort.

³ A list of the ESAP districts in which violations were found, under each of the categories we have considered, is included in Appendix C-I.

⁴ Regs. 181.6(a) (4) (G).

⁵ Regs. 181.6(a) (4) (F).

* * *

⁷ Regs. 181.6(a) (4) (E).

⁸ Regs. 181.6(a) (4) (D).

APPENDIX A.—A DESCRIPTION OF THE SCHOOL DESEGREGATION MONITORING PROJECT

With the assistance of students from Bishop College (Dallas, Texas), Fisk University (Nashville, Tennessee), and Virginia State University (Petersburg, Virginia) and staff of the Urban Coalition, the organizations responsible for this report monitored some 467 school districts in eleven southern states (as part of a larger study of the desegregation process in the South this fall). We attempted to monitor all the districts undergoing terminal desegregation during 1970-71 school year, either under voluntary plans approved by HEW or under court orders entered in cases instituted by the United States. This excluded many districts eligible for ESAP grants: districts with 1968-69 or 1969-70 terminal desegregation plans, and districts with 1970-71 terminal plans imposed by court order in cases with private plaintiffs. We did monitor 79 districts in Alabama which are under court order in a case brought by private plaintiffs, and in which the United States has intervened as co-plaintiff. The 467 districts monitored include 295 of the 722 which had received ESAP grants by October 30, 1970.

The monitoring effort was largely carried out between September 18 and September 27, 1970, under the direction of staff employees of the organizations which have prepared this report. The largest group of monitors were volunteer lawyers, working under the auspices of the Lawyers' Committee for Civil Rights Under Law. Other monitors included the staffs of the sponsoring organizations, college students, and in some instances citizens resident in the districts in question who have been involved with school issues in that district. All monitors used a uniform information form, drawn up by the sponsoring organizations, to record the data they collected. Monitoring activities in each state were coordinated by an individual with long experience both in school desegregation issues and in working with southern communities. Each state coordinator conducted a training session for the monitors working within his state before they went into the field.

Great stress was placed upon techniques of objective data collection, with emphasis on interviewing persons with different points of view in the community, blacks and whites, school administrators, principals, teachers, parents and students. In each case, monitors

were instructed to seek an appointment with the school superintendent or his representative, and to attempt to obtain access to official school records of student and faculty assignment and similar hard data. In reporting information, monitors were instructed to distinguish between rumors and "what everybody knows" on the one hand, and eyewitness reports and data from official records on the other.

We gathered the facts as they were in late September; our resources have not permitted updating of our information. Thus in some districts, conditions and practices reported here may have been corrected by the time this report appears. On the other hand, illegal practices may have arisen in other districts since our monitors visited them.

In analyzing reports, we have listed as "clear violations" of applicable legal standards only cases in which facts related to our monitors, based on the first-hand knowledge of the reporter, established illegality. Where our monitors obtained only second-hand reports of facts supporting a charge of a violation, or where the facts related suggest but do not compel an inference of racial discrimination, we have listed the case as questionable.

APPENDIX B.—LIST OF 368 APPROVED ESAP APPLICATIONS REVIEWED

Alabama

Alexander City Board of Education.
Andalusia City.
Auburn City Schools.
Baldwin County Board of Education.
Brewton City Schools.
Butler County Board of Education.
Clay County Board of Education.
Conecuh County Board of Education.
Dale County Board of Education.
Decatur City Schools.
Demopolis City Schools.
Dothan City Board of Education.
Elba City Board of Education.
Eufaula City Board of Education.
Fairfield City Board of Education.
Lamar County Board of Education.
Lanette City Schools.
Lee County Board of Education.
Limestone County Board of Education.
Monroe County Board of Education.
Randolph County Board of Education.
Russell County Board of Education.
St. Clair County Board of Education.
Sylacauga City Board of Education.
Troy City Board of Education.

Arkansas

Ashdown School District No. 51.
Camden School District No. 35.
Crossett School District No. 52.
Eudora Special School District.
Monticello School District No. 18.
Newport Special School District.
Prescott School District No. 14.
Saratoga School District No. 11.

Florida

Alachua County School Board.
Bradford County School Board.
The School Board of Brevard County.
Calhoun County School Board.
Collier County School Board.
Columbia County School Board.
Dade County Public Schools.
Duval County School Board.
Flagler County School Board.
Gadsden County Public School System.
Glades County School Board.
Gulf County School Board.
Hamilton School Board.
District School Board of Hendry County.
District School Board of Hernando County.
Highlands County School Board.
Hillsborough County Board of Public Ins.
Indian River County School Board.
Jackson County School Board.
Jefferson County School Board.
Lafayette County School Board.
District School Board of Lake County.
District School Board of Lee County.

Florida—Continued

District School Board of Madison County.
Martin County Board of Public Ins.
Nassau County Board of Public Ins.
Board of Public Ins. of West Palm Beach County.

The School Board of Pinellas County.
District School Board of Putnam County.
Seminole County District School Board.
St. Johns County School Board.
Sumter County School Board.
Suwannee County School Board.
Taylor County School Board.
Walton County BPI.
Washington County School District.

Georgia

Appling County Board of Education.
Atkinson County Board of Education.
Baker County Board of Education.
Baldwin County Board of Education.
Barrow County Board of Education.
Ben Hill County Board of Education.
Berrien County Schools.
Bibb County Board of Education.
Bleckley County Board of Education.
Brooks County Schools.
Bryan County Board of Education.
Buford City System.
Burke County Board of Education.
Butts County School System.
Calhoun County Board of Education.
Camden County Board of Education.
Candler County Board of Education.
Carroll County Board of Education.
Carrollton County Board of Education.
Cartersville School Board.
Clarke County School District.
Clay County Board of Education.
Clinch County Board of Education.
Cochran City Schools.
Coffee County Board of Education.
Columbia County Board of Education.
Cook County Board of Education.
Coweta County School System.
Crawford County Board of Education.
Crisp County School System.
Decatur County Board of Education.
City Schools of Decatur.
DeKalb County School System.
Dodge County Board of Education.
Dooly County Board of Education.
Douglas County Board of Education.
Dougherty County School System.
Dublin City Board of Education.
Early County Board of Education.
Echois County Board of Education.
Effingham County Board of Education.
Fayette County Board of Education.
Fitzgerald City Board of Education.
Franklin County Board of Education.
Gainsville City Board of Education.
Glynn County Board of Education.
Grady County Board of Education.
Griffin-Spalding County Board of Education.

Hall County Board of Education.
Haralson County Board of Education.
Hart County Board of Education.
Hawkinsville City School System.
Heard County Board of Education.
Henry County Board of Education.
Hogansville County Schools.
Houston County Schools.
Jasper County Schools.
Jeff Davis County Schools.
Jefferson County Schools.
Jones County Schools.
LaGrange Public Schools.
Lamar County Board of Education.
Lanier County Board of Education.
Laurens County School System.
Lee County School System.
Liberty County School System.
Lincoln County Board of Education.
Lowndes County Board of Education.
Macon County Board of Education.
Madison County Board of Education.
Marietta City Schools.
McDuffie County Board of Education.
McIntosh County Board of Education.

Meriwether County Board of Education.
Miller County Board of Education.
Monroe County Board of Education.
Montgomery County Board of Education.
Morgan County Board of Education.
Newton County Board of Education.
Oconee County Board of Education.
Oglethorpe County Board of Education.
Peach County Board of Education.
Pelham Board of Education.
Pierce County Board of Education.
Pike County Board of Education.
Polk County School District.
Quitman County Board of Education.
Randolph County Board of Education.
Rome Board of Education.
Screven County Board of Education.
Stephens County Board of Education.
Stewart County Board of Education.
Sumter County Board of Education.
Talbot County Board of Education.
Taliaferro County Board of Education.
Tift County Board of Education.
Toombs County Board of Education.
Treutlen County Board of Education.
Turner County Board of Education.
Twiggs County Board of Education.
Walker County Board of Education.
Vidalia City Board of Education.
Walton County Board of Education.
Warren County School System.
Washington County Board of Education.
Waycross Public Schools.
Wayne County Board of Education.
West Point Public Schools.
Wheeler County Board of Education.
Wilcox County Board of Education.
Wilkes County Board of Education.
Wilkinson County Board of Education.
Winder City Board of Education.

Kentucky

Jefferson County Public Schools.
Paducah Ind. School District.

Maryland

Prince Georges County Public Schools.

Mississippi

Amite County Schools.
Amory Public Schools.
Attala County School District.
Baldwin Separate School District.
Bay St. Louis Separate School District.
Benton County Schools.
Bolivar County School District No. 1.
Brookhaven Municipal Separate School District.
Choctaw County School District.
Claiborne County Schools.
Clay County Board of Education.
Copliah County School District.
Covington County Schools.
DeSoto County Schools.
Forest Separate School District.
Franklin County Board of Education.
Greene County Schools.
Greenwood Municipal Separate School District.
Hattiesburg Public Schools.
Hinds County Public Schools.
Itawamba County Schools.
Jackson Municipal Separate School District.
Jefferson County Schools.
Kosciusko Municipal Separate School District.
Lafayette County Board of Education.
Laurel Municipal Separate School District.
Leake County School Board.
Lee County School District.
Leflore County School District.
Louisville Municipal, ISD.
Lumberton Line Consolidated School District.
Madison County Schools.
Marion County Schools.
Marshall County Schools.
McComb Municipal Separate School District.
Monroe County Schools.
Montgomery County School System.

New Albany Municipal Separate School District.
Newton County Unit.
Newton Special Municipal Separate School District.
North Pike Consolidated School District.
Noxubee County Schools.
Ocean Springs Municipal Separate School District.
Oktibbeha County Schools.
Pascagoula Municipal Separate School District.
Pass Christian School District.
Poplarville Special Municipal Separate School District.
Prentiss County Schools.
Rankin County Schools.
Richton Municipal Separate School District.
Scott County Unit.
Smith County Schools.
Starkville Municipal Separate School District.
South Pike County Consolidated School District.
South Tiptah Consolidated School District.
Tupelo Municipal Separate School District.
Union Municipal Separate School District.
Water Valley Line Consolidated School District.
Walthall County School System.
Webster County School District.
Winona Municipal Separate School District.
Yazoo City Municipal Separate School District.
Greenville Municipal Separate School District.

North Carolina

Anson County.
Camden County.
Caswell County.
Clinton City.
Craven County.
Durham County.
Elm City.
Greene County.
Greenville City.
Hoke County.
Iredell County.
Johnston County.
Kings Mountain City.
Lexington City.
Martin County.
Monroe City.
Person County.
Robeson County.
Rockingham County.
Sampson County.
Shelby City.
Stanly County.
Thomasville Board of Education.
Wayne County.
Wilson County.

Oklahoma

Beggs Public Schools.
Chickasha Public Schools.
Guthrie Independent School District No. 19.
McAlester Public Schools.
Muskogee City.
Okmulgee Public Schools.

South Carolina

Abbeville County No. 60.
Aiken County (Consolidated) School District.
Allendale County No. 1.
Anderson County No. 1.
Bamburg School District No. 1.
Berkeley County School District.
Charleston County.
Darlington County.
Dillon School District No. 2.
Fairfield County.
Florence County No. 1.
Florence County No. 2.
Florence County No. 5.
Greenwood School District No. 50.
Greenwood County No. 52.
Hampton North No. 1.

Hampton County No. 2.
 Horry County.
 Kershaw County.
 Lancaster County.
 Lee County.
 Marion County No. 3.
 Newberry County.
 Oconee County.
 Orangeburg County No. 4.
 Orangeburg County No. 5.
 Orangeburg County No. 6.
 Orangeburg County No. 7.
 Richland County No. 2.
 Union County.
 York County No. 4.

Tennessee

Alamo City.
 Bells City.
 Chester County.
 Cleveland City.
 Covington City.
 Gibson County.
 Hardeman County.
 Henderson County.
 Hickman County.
 Humboldt City.
 Jackson City.
 Lake County.
 Lauderdale County.
 Metropolitan Public Schools—Nashville
 Davidson County).
 Lebanon City.
 Madison County.
 McNairy County.
 Maury City.
 Milan City.
 Murfreesboro City.
 Robertson County.
 Shelby County.
 Tipton County.
 Trousdale County.
 Union City.
 Williamson County.
 Wilson County.

Texas

Center ISD.
 Cypress-Fairbanks ISD.
 Galena Park ISD.
 Groesbeck ISD.
 Hemphill ISD.
 Jasper ISD.
 Kaufman ISD.
 LaMarque ISD.
 Liberty ISD.
 Malakoff ISD.
 New Diana ISD.
 Pittsburg County—Line Consolidated ISD.
 Smithville ISD.
 Wichita Falls ISD.
 West Sabine ISD.

Virginia

Bedford County.
 Buckingham County.
 Charlotte County.
 Gloucester County.
 Halifax County.
 Isle of Wight County.
 Louisa County.
 Matthews County.
 Nelson County.
 Norfolk City.
 Northampton Schools.
 Powhatan County.
 Prince George County.
 South Boston City.
 Suffolk City.
 Westmoreland-Colonial Beach Schools.

APPENDIX C. SCHOOL DISTRICTS RECEIVING ESAP
 FUNDS THAT ARE VIOLATING THEIR HEW OR
 COURT ORDERED DESEGREGATION PLAN

*Alabama**Clear Violations*

Demopolis City.
 Troy City.

Questionable Violations

Barbour County.

*Florida**Clear Violations*

Gadsden County.
 Pinellas County.
 St. Johns County.

Questionable Violations

Orange County.

*North Carolina**Clear Violations*

Martin County.
 Vance County.

*South Carolina**Clear Violations*

Fairfield County.
 Florence County No. 1.
 McCormick County.
 Orangeburg County No. 3.
 Sumter County No. 17.

Questionable Violations

Lee County.

*Tennessee**Questionable Violations*

Lauderdale County.

APPENDIX D. DISTRICTS WITH CLASSROOM
 SEGREGATION*Alabama**Clear Violations*

Baldwin County.
 Barbour County.
 Butler County.
 Choctaw County.
 Conecuh County.
 Coosa County.
 Decatur City.
 Demopolis City.
 Enterprise City.
 Eufala City.
 Montgomery County.
 Monroe County.
 Pike County.
 Selma City.
 Troy City.
 Walker County.

Questionable Violations

Elba City.

*Arkansas**Clear Violations*

Crawfordsville.
 England.
 Plum Bayou.
 Stuttgart.

Questionable Violations

Bright Star.
 Helena-W. Helena.
 Lonoke.

*Florida**Clear Violations*

Baker County.
 Flagler County.
 Jefferson County.
 Lake County.
 Pinellas County.
 Seminole County.
 St. Johns County.
 Sumter County.

Questionable Violations

Escambia.

*Georgia**Clear Violations*

Brooks County.
 Calhoun County.
 Clay County.
 Crawford County.
 Early County.
 Jefferson County.
 Johnson County.
 Lowndes County.
 McDuffie County.
 Meriwether County.

Miller County.
 Monroe County.
 Pelham City.
 Putnam County.
 Sumter County.
 Toombs County.
 Treutlen County.
 Twiggs County.
 Vidalia City.
 Warren County.
 Washington County.
 Waycross City.
 Wilkes County.
 Wilkinson County.

Questionable Violations

Candler County.
 Echols County.
 Hancock County.
 Screven County.
 Stephens County—Toccoa.
 Thomas County.
 Thomasville City.
 Turner County.
 Wheeler County.

*Mississippi**Clear Violations*

Jones County.
 Kosciusko MS.
 McComb MS.
 South Pike.

Questionable Violations

Choctaw County.

*Clear Violations**North Carolina*

Gates County.
 Hertford County.
 Martin County.
 Richmond County.
 Union County.
 Vance County.

*South Carolina**Clear Violations*

Aiken County.
 Berkeley County.
 Charleston County.
 Chester County.
 Dillon County No. 2.
 Dillon County No. 5.
 Edgefield County.
 Kershaw County.
 Lee County.
 Marlboro County.
 McCormick County.
 Newberry County.
 Orangeburg County No. 2.
 Orangeburg County No. 5.
 Orangeburg County No. 6.
 Sumter County No. 17.
 Union County.

*Tennessee**Clear violations*

Gibson County.
 Humboldt City.
 Lake County.
 Lauderdale County.
 Union City.

*Texas**Clear Violations*

Carthage.
 Crosby.
 Cypress-Fairbanks.
 Jefferson.
 San Augustine.
 Tyler.

Questionable Violations

West Orange-Cove.
 Crockett.
 Palestine.

*Virginia**Clear Violations*

Southampton County.

APPENDIX E. DISTRICTS WITH SEGREGATION IN
OTHER FACILITIES

Clear Violations

Alabama: Alexander City,
Georgia: Atkinson County, Fitzgerald City,
North Carolina: Martin County,
South Carolina: Union County,
Tennessee: Gibson County,
Texas: Jefferson.

APPENDIX F.—DISTRICTS WITH SEGREGATED
TRANSPORTATION

Alabama

Clear Violations

Baldwin County.
Butler County.
Choctaw County.
Monroe County.
Opelika City.
Tallapoosa County.

Arkansas

Clear Violations

Eudora.

Questionable Violations

Emmet.

Florida

Clear Violations

Jackson County.
Jefferson County.
Pinellas County.
Seminole County.

Questionable Violations

Bradford County.
Sumter County.
Taylor County.

Georgia

Clear Violations

Americus City.
Atkinson County.
Baker County.
Calhoun County.
Clay County.
Dodge County.
Early County.
Echols County.
Grady County.
Johnson County.
McDuffie County.
Miller County.
Mitchell County.
Monroe County.
Pelham City.
Randolph County.
Toombs County.
Treutlen County.
Turner County.
Warren County.
Washington County.
Wilcox County.
Wilkes County.
Wilkinson County.

Questionable Violations

Clinch County.
Fitzgerald City.
Laurens County.
Twiggs County.
Wheeler County.

Mississippi

Clear Violations

Claiborne County.
Jones County.
South Pike.

South Carolina

Clear Violations

Florence County No. 1.
Greenwood County No. 52.
Kershaw County.
Orangeburg County No. 6.
Union County.

Tennessee

Clear Violations

Brownsville—Haywood.

Questionable Violations

Alamo City.

Texas

Clear Violations

Cypress—Fairbanks.
Jefferson.
San Augustine.

APPENDIX G. DISTRICTS WITH RACIALLY
IDENTIFIABLE FACILITIES

Alabama

Clear Violations

Brewton City.
Conecuh County.
Monroe County.
Montgomery County.
Opelika City.
Pike County.
Walker County.

Arkansas

Clear Violations

Ashdown.
Camden.
Elaine.
Helena—West Helena.
Holly Grove.
Hot Springs.
Parkin Special.
Stephens.

Florida

Clear Violations

Flagler County.
Jefferson County.

Georgia

Clear Violations

Americus City.
Atkinson County.
Brooks County.
Bryan County.
Charlton County.
Decatur County.
Elbert County.
Fitzgerald City.
Grady County.
Hancock County.
Hart County.
Henry County.
Jefferson County.
Tift County.
Warren County.
Washington County.
Waycross City.
Wilcox County.
Wilkes County.

Mississippi

Clear Violations

DeSoto County.
Jones County.
South Pike.
Tupelo MS.

North Carolina

Clear Violations

Hertford County.
Martin County.
Richmond County.
Rutherford County.
Shelby City.
Weldon City.

Questionable Violations

Lonoke.

Questionable Violations

McIntosh County.

South Carolina

Clear Violations

Aiken County.
Berkeley County.
Edgefield County.
Fairfield County.
Florence County.
Laurens County No. 55.
Marion County No. 3.
Marlboro County.
Pickens County.

Clear Violations

Charleston County.
Lee County.

Tennessee

Clear Violations

Humboldt City.

Texas

Clear Violations

Crosby.
Waskom.
West Orange—Cove.

Virginia

Clear Violations

Nansemond County.
Suffolk City.
Westmoreland County.

APPENDIX H. SCHOOL DISTRICTS WHERE THERE IS
DISCRIMINATION AGAINST BLACK TEACHERS
AND STAFF

Alabama

Clear Violations

Baldwin County.
Barbour County.
Calhoun County.
Choctaw County.
Conecuh County.
Dale County.
Elba City.
Enterprise City.
Eufaula City.
Gadsden City.
Limestone County.
Monroe County.
Pike County.
Selma City.
Tallapoosa County.
Troy City.
Walker County.

Questionable Violations

Andalusia City.
Anniston City.
Alexander City.
Covington County.
Decatur City.
Demopolis City.
Dothan City.
Lanette City.
Montgomery County.
Opelika City.
Ozark City.
Randolph County.
St. Clair County.
Tuscaloosa City.

Arkansas

Clear Violations

Ashdown.
England.
Forest City.
Helena—West Helena.
Hope.
McGehee.
McNeil.
Stuttgart.
Texarkana.

Questionable Violations

Arkansas City.
Bright Star.
Camden.
Dermott.
Desha—Drew.
Emmet.
Holly Grove.
Hot Springs.
Newport.
Parksdale.
Parkin Special.
Plum Bayou.
Portland.
Saratoga.
Stephens.

Florida

Clear Violations

Baker County.
Columbia County.
Escambia County.
Flagler County.
Gadsden County.
Jackson County.
Jefferson County.

Lake County.
St. Johns County.
Wakulla County.

Questionable Violations

Bradford County.
Hernando County.
Taylor County.
Sumter County.

Georgia

Clear Violations

Coweta County.
Dodge County.
Early County.
Elbert County.
Fitzgerald City.
Johnson County.
Lowndes County.
Miller County.
Mitchell County.
Monroe County.
Putnam County.
Quitman County.
Randolph County.
Sumter County.
Troup County.
Turner County.
Washington County.
Waycross City.
Wilkes County.

Questionable Violations

Appling County.
Baker County.
Butts County.
Calhoun County.
Camden County.
Candler County.
Chariton County.
Clinch County.
Colquitt County.
Cook County.
Crawford County.
Crisp County.
Echols County.
Grady County.
Greene County.
Griffin-Spaulding County.
Hart County.
Jeff Davis County.
Jefferson County.
Jones County.
Laurens County.
Macon County.
Marietta City.
McDuffie County.
McIntosh County.
Meriwether County.
Monroe County.
Newton County.
Peach County.
Pelham City.
Screven County.
Seminole County.
Stephens County—Toccoa City
Telfair County.
Thomas County.
Thomaston City.
Tift County.
Toombs County.
Treutlen County.
Twiggs County.
Warren County.
Wayne County.
Winder City.
Worth County.
Lee County.

North Carolina

Clear Violations

Iredell County.
Martin County.
Richmond County.
Shelby City.
Vance County.

Questionable Violations

Fairmont City.
Gaston County.
Gates County.
Hertford County.
Hyde County.

Robeson County.
Scotland County-Laurinburg.
Union County.

Mississippi

Clear Violations

Jones County.
Kosciusko MS.
Laurel MS.
Smith County.

Questionable Violations

Claiborne County.
Newton MS.
McComb MS.
Noxubee County.

South Carolina

Clear Violations

Aiken County.
Barnwell County No. 45.
Charleston County.
Chester County.
Dillon County No. 2.
Florence County No. 5.
Greenville County.
Greenwood County No. 52.
Horry County.
Kershaw County.
Laurens County No. 55.
Marion County No. 4.
McCormick County.
Newberry County.
Pickens County.
Saluda County.
Union County.
York County No. 2.
York County No. 3.

Questionable Violations

Abbeville County.
Anderson County No. 1.
Anderson County No. 2.
Berkeley County.
Dillon County No. 1.
Edgefield County.
Florence County No. 1.
Lee County.
Mariboro County.
Oconee County.
Orangeburg County No. 3.
Orangeburg County No. 4.
Orangeburg County No. 5.
Orangeburg County No. 6.
Orangeburg County No. 8.
Richland County No. 2.
York County No. 1.

Tennessee

Clear Violations

Brownsville-Haywood.
Humboldt City.
Lauderdale County.

Questionable Violations

Chester County.
Gibson County.
Hardeman County.
Lake County.
Maury City.

Texas

Clear Violations

Carthage.
Center.
Crockett.
Cypress-Fairbanks.
Gilmer.
Jefferson.
Marshall.
Shelbyville.
Tyler.
Waskom.
West Orange-Cove.

Questionable Violations

Chapel Hill.
Crosby.
Kilgore.
LaMarque.
Lufkin.
San Augustine.
Texarkana.

Virginia

Clear Violations

Suffolk City.

Questionable Violations

Nansemond County.
Prince George County.
Southampton County.
Westmoreland County.

APPENDIX I. DISTRICTS WITH PUBLIC AID TO
SEGREGATION ACADEMIES

Alabama

Clear Violations

Monroe County.
Russell County.
Tallapoosa County.

Arkansas

Questionable Violations

Crawfordsville.

Florida

Clear Violations

Gadsden County.
Jackson County.

Questionable Violations

Jefferson County.

Georgia

Clear Violations

Americus City.

Questionable Violations

Baker County.
Crisp County.
Decatur County.
Dooly County.
Early County.
Greene County.
Hancock County.
Lamar County.
Lee County.
Mitchell County.
Randolph County.
Screven County.
Sumter County.
Thomas County.
Thomasville City.
Tift County.
Wilkes County.
Wilkinson County.

Mississippi

Clear Violations

Claiborne County.
Hinds County.
Jefferson County.
Scott County.
Smith County.

South Carolina

Questionable Violations

Coosa County.
Demopolis City.
Dillon County No. 1.
Dillon County No. 2.
Dillon County No. 3.
Edgefield County.
Fairfield County.
Greenwood County No. 50.
Greenwood County No. 52.
Lee County.
Mariboro County.
McCormick County.
Orangeburg County No. 3.
Orangeburg County No. 5.
Troy City.

Tennessee

Clear Violations

Covington City.
Lauderdale County.

Questionable Violations

Hardeman County.
Robertson County.

Texas

Questionable Violations

Marshall.
Jefferson.

THE OIL IMPORT PROGRAM

Mr. KENNEDY. Mr. President, on December 22, President Nixon issued a proclamation on the oil import program. The proclamation was accompanied by a press release from the Office of Emergency Preparedness stating that the proclamation "increases the current import total by about 100,000 barrels per day." But as Bernard Nossitor's excellent article in the Washington Post makes clear, the new regulations will not now bring in one additional barrel of oil. The administration is attempting to use paper increases in oil imports to combat very real increases in oil prices.

The American people, who are now suffering from the ravages of inflation, should be made aware that nothing the administration has done thus far is likely to have a significant impact on oil prices. I, therefore, request that the Nossitor article, the OEP press release, and the Presidential proclamation be placed in the RECORD.

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

OIL IMPORT PROGRAM

The amendatory proclamation signed by President Nixon today establishes 1971 levels of controlled imports of crude oil, unfinished oil and refined products into petroleum districts I-IV (East of the Rockies) and increases the current import total by about 100,000 barrels per day.

George A. Lincoln, director of the Office of Emergency Preparedness, with the advice of the Oil Policy Committee, recommended to President Nixon these adjustments in the oil import program.

The proclamation authorizes allocations of imports of crude oil from Canada at an average rate of 450,000 barrels per day for 1971 and allows an additional 15 days to bring in oil by pipeline under allocations for 1970 and 1971. The level of imports of crude oil, unfinished oil and finished products from elsewhere will be 960,000 barrels per day, or 50,000 barrels per day above the current maximum level.

It will also permit the Secretary of the Interior to allow the importation of additional Canadian imports, as President Nixon announced on Dec. 4: "I have also directed that companies importing Canadian oil be permitted to use their overseas allocation for the purchase of more crude oil from Canada."

Previous changes in the oil import program include establishment of the new management system by the President last Feb. 20, the shift from a voluntary Canadian quota to a formal quota with some increase in Canadian imports, an increase of the oil import quota by 100,000 barrels per day in 1970, and the further provision of 40,000 barrels per day of No. 2 fuel oil for distribution to independent deep water terminal operators on the East Coast.

Also, the new management system, headed by the director of the Office of Emergency Preparedness with the advice of the Oil Policy Committee, has freed the transportation of oil crossing Canada between points in the United States, has provided for import of additional asphalt, has exempted Canadian natural gas liquids from the Canadian quota and also exempted Western Hemisphere ethane, propane, and butane.

Regulations on handling of crude oil imported for fuel have been relaxed and oil imports from Canada now are permitted to enter by inland waterways other than ocean waterways. Asphalt imports are being freed from restrictions in calendar year 1971. A related matter, not part of the oil import

program, is the provision of increased supply as a result of the action announced by the President Dec. 4 which placed Federal Outer Continental Shelf lands under Federal administration for production of oil and gas.

The Presidential Proclamation today eliminates both finished product and crude oil allocations into Districts I-IV and V on the basis of historical considerations. The Secretary of the Interior is given latitude to authorize imports of finished products up to levels he determines to be consonant with the objectives of the proclamation.

The proclamation also eliminates the so-called Brownsville Loop, effective Dec. 31, by permitting Mexican imports to enter by water, as well as by land. The amount of Mexican imports will be determined by the Secretary of the Interior after annual discussions between the Governments of the United States and Mexico. Such imports will be authorized at the rate of 30,000 barrels per day until such discussions take place.

MODIFYING PROCLAMATION NO. 3279, RELATING TO IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

(By the President of the United States of America)

A PROCLAMATION

The Director of the Office of Emergency Preparedness, with the advice of the Oil Policy Committee, has found that the national security will not be adversely affected by changes in the oil import control program which would

—increase licensed imports into Districts I-IV, including the Canadian component of those imports, approximately 100,000 barrels per day during 1971,

—free importation and allocation in Districts I-IV and District V from historical limitations, and

—authorize Mexican imports to enter, overland or by water, in such amounts and under such circumstances as the Secretary of the Interior prescribes after annual discussions between the Governments of the United States and Mexico.

The Director, with the advice of the Oil Policy Committee, has recommended that Proclamation No. 3279, as amended, be amended to adjust imports in conformity with these findings. He has, with the advice of the Oil Policy Committee, also recommended that the quantity of crude oil, unfinished oils, and finished products that may be imported into Districts I-IV continue to be determined on the basis of 12.2% of the quantity of crude oil and natural gas liquids which the Secretary of the Interior estimates will be produced in those districts, adjusted to reflect other national security determinations, but that, in the interest of better public understanding of the oil import control program, such authorized imports be stated in terms of specific barrels per day.

I agree with the findings and recommendations of the Director and deem it necessary and consistent with the security objectives of Proclamation No. 3279, as amended, to adjust the imports of petroleum and petroleum products, and to improve the administration of the program, as hereinafter provided.

Now, therefore, I, Richard Nixon, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that, effective as of the date of this Proclamation, Proclamation No. 3279, as amended, is further amended as follows:

1. Paragraph (b) of section 1 is amended to read as follows:

"The Secretary of the Interior may, in his discretion, authorize entries, without allocation or license, of small quantities of crude oil, unfinished oils, or finished products."

2. Paragraph (a) of section 1A is amended to read as follows:

"(a) (1) As used in this section the term 'Canadian imports' means imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways. The provisions of clause (4) of paragraph (a) of section 1 of this proclamation shall have no application to Canadian imports into Districts I-IV during the period March 1, 1970 through December 31, 1971.

"(2) During the period March 1, 1970 through December 31, 1970, Canadian imports into Districts I-IV under allocations which were made pursuant to this section shall not exceed an average of 395,000 barrels per day. However, entries for consumption of crude oil or unfinished oils transported by pipeline may be made until midnight January 15, 1971, under any license authorizing Canadian imports into Districts I-IV for that period.

"(3) During the period January 1, 1971 through December 31, 1971, Canadian imports under allocations made pursuant to this subparagraph (3) into Districts I-IV shall not exceed an average of 450,000 barrels per day. However, entries for consumption of crude oil or unfinished oils transported by pipeline may be made until midnight January 15, 1972 under any license authorizing such imports from Canada for that period. The Secretary shall by regulation provide for allocations of such imports. The regulations shall provide that licenses issued under such allocations shall permit the entry, or withdrawal from warehouses, for consumption of Canadian imports only.

"(4) The Secretary may, within the level prescribed by paragraphs (a) (1) of section 2 of this proclamation permit the importation of additional quantities of Canadian imports."

3. Paragraph (e) of section 1A is amended to read as follows:

"On and after October 1, 1970, natural gas liquids derived solely from Canadian natural gas may be imported into the United States from Canada without allocations or licenses if transported by overland means or over waterways other than ocean waterways. As used in this paragraph the term 'natural gas liquids' means natural gas products and other hydrocarbons, such as ethane, propane, and butanes, or mixtures thereof, recovered from natural gas by means other than refining."

4. Section 1A is amended by adding at the end thereof the following new paragraph:

"(h) After December 31, 1970, the provisions of clause (4) of paragraph (a) of section 1 shall have no application to imports of crude oil, unfinished oils, or finished products from Mexico. After the same date, crude oil produced in Mexico and unfinished oils and finished products produced in Mexico wholly from Mexican crude oil may in Districts I-IV and District V be entered, or withdrawn from warehouses, for consumption without allocations or licenses in such amounts and under such conditions as the Secretary may prescribe, after annual discussions between the Governments of the United States and Mexico. Until the Secretary prescribes the amounts that may enter pursuant to this paragraph, such imports shall not exceed an average of 30,000 barrels per day per calendar year."

5. Subparagraph (1) of paragraph (a) of section 2 is amended to read as follows:

"Except as otherwise provided in this proclamation, the maximum level of imports (exclusive of imports from Canada provided for in paragraph (a) of section 1A), subject allocation, of crude oil, unfinished oils, and finished products (other than residual fuel

was ordered to be printed in the RECORD, as follows:

PRICE WATERHOUSE & Co.,
Houston, Tex., May 27, 1970.

Members of API Corporate Tax Committee and Mid-Continent Oil & Gas Association, Executive Tax Committee:

In accordance with your instructions, we have prepared the accompanying statement of summary data from information furnished directly to us on a confidential basis by the 38 companies listed in Appendix A. The information furnished by each company, which was based upon the tax return year 1968, was prepared on the basis of instructions issued by you, and has been summarized in conformity with those instructions.

Since we have not made any audit tests or other verification of the information submitted to us, we are unable to express an opinion on the information presented.

Yours very truly,

PRICE WATERHOUSE & Co.

Summary data for 38 companies listed in appendix A¹

NET U.S. PRODUCTION OF COMPANIES INCLUDED IN SURVEY

	Tax return year 1968 (in thousands)
Oil and natural gas liquids (barrels)	2,173,148
Natural gas (MCF)	10,867,945

EFFECT OF CERTAIN ASPECTS OF THE TAX REFORM ACT OF 1969

Gross income for depletion—U.S. production only:	
Actual per returns	\$7,891,216
Revised to eliminate the effect of current and prior years carved-out production payments	\$7,935,507

Increase in depletable income	\$44,291
-------------------------------------	----------

Allowable depletion—U.S. production only:	
Actual per returns	\$2,064,307
At new rates and adjusted to eliminate the effect of current and prior years current carved-out production payments	\$1,644,779

Reduction in allowable depletion	\$419,528
--	-----------

Additional U.S. tax from reduction of Foreign Tax Credit attributable to foreign mineral income	\$785
---	-------

Minimum tax for tax preferences:	
Items of tax preference:	
Allowable U.S. and applicable foreign depletion in excess of adjusted basis	\$1,497,621
Other	\$135,359

Total items of tax preference	\$1,632,980
-------------------------------------	-------------

Deductions for regular U.S. income tax (\$710,341,000) and effect of statutory exclusion of \$30,000 per company ²	\$711,601
---	-----------

Amount for minimum tax for tax preferences	\$921,379
--	-----------

Minimum tax for tax preferences	\$92,142
---------------------------------------	----------

Average allowable investment tax credit per year for years 1962 through 1968	\$117,976
--	-----------

¹ To maximize coverage of the total petroleum industry, the instructions requested that each participant submit combined information for the group with which it is

Companies included in summary data for 38 companies

American Petrofina, Incorporated.
Apco Oil Corporation.
Ashland Oil & Refining.
Atlantic Richfield Company (includes Sinclair Oil Corporation).
Cities Service Company.
Continental Oil Company.
El Paso Natural Gas Company.
Freeport Sulphur Company.
General American Oil Company of Texas.
General Crude Oil Company.
Getty Oil Company (excludes Skelly Oil Company which is reported separately).
Gulf Oil Corporation.
Hunt Oil Company, et al.
Kerr-McGee Corporation.
Kewanee Oil Company.
Marathon Oil Company.
Mobil Oil Corporation.
Monsanto Company.
Murphy Oil Corporation.
Pennzoil United, Inc.
Phillips Petroleum Company.
Quintana Petroleum Corporation.
Shell Oil Company.
Signal Oil and Gas Company.
Skelly Oil Company.
Southern Natural Gas Company.
Standard Oil Company of California.
Standard Oil Company (Indiana).
Standard Oil Company (New Jersey).
The Standard Oil Company (Ohio).
Sun Oil Company.
Sunray DX Oil Company.
The Superior Oil Company.
Tenneco, Inc.
Texaco, Inc.
Texas Eastern Transmission Corporation.
Texas Pacific Oil Company, Inc.
Union Oil Company of California.

INTEGRATED EDUCATION—NORTH AND WEST SCHOOL SYSTEMS

Mr. MONDALE, Mr. President, efforts on the part of local school districts throughout the country to establish quality integrated schools have produced many notable success stories. All too often, however, publicity is given to those which are sometimes fueled with emotionalism and articulated through the use of code words like "busing" and "neighborhood schools," rather than to the progress toward quality integrated education that has been made in many areas.

President Nixon has proposed that the Federal Government spend \$1.5 billion over the next 2 years primarily to aid school districts which are compelled under title VI of the Civil Rights Act of 1964 or under court order to desegregate their school districts. I believe it is important to assist the desegregation process. I also believe, however, that if the

affiliated even though some or all the individual or corporate taxpayers in that group file separate federal income tax returns. Some participants that are not generally referred to as integrated oil companies reported information only for their oil and gas operations.

² Participants were instructed to report regular income tax (\$710,341,000) deducted from items of tax preference based upon the 1968 U.S. tax for all foreign and domestic operations, recalculated under Tax Reform Act changes, including: Section 901(e), the use of a 48% rate for ordinary income and a 30% rate for capital gains, without reduction for Investment Tax Credit, without surcharge, and without any net operating loss deduction.

Federal Government is to spend \$1.5 billion it should do so as part of a declared national policy commitment to quality integrated education, whether that be achieved as a result of enforcement of the 14th amendment or voluntarily. I think this money should be used as an incentive to aid the establishment of integrated schools which provide quality education throughout the country—North, South, East, and West. Congress should revise the administration's emergency desegregation bill so that school districts will be helped to establish and maintain quality integrated schools within their districts and integrated educational parks which can draw students from a number of school districts within a metropolitan area. In this way, we can demonstrate to each community not only that quality integrated education works, but that it can be the best means of achieving equal educational opportunity for all our school children be they white, black, Spanish speaking, Indian, advantaged, or disadvantaged.

Mr. President, one of the most thoughtful, thorough and comprehensive reports on the efforts of Northern and Western school systems to achieve quality integrated education was recently contained in the Minneapolis Tribune in a series of seven articles by Richard P. Kleeman. Mr. Kleeman visited 10 school systems in six States: Pasadena, Berkeley, and Riverside, Calif.; South Holland and Evanston, Ill.; Ferndale and Pontiac, Mich.; Union Township, N.J.; Denver, Colo.; and Gary, Ind. These 10 communities have not all yet succeeded in their efforts to achieve quality integrated education. But those that have, such as Evanston, Berkeley, and Riverside, have been successful because, as an editorial in the Minneapolis Tribune following Mr. Kleeman's series points out, "Leadership is the key to progress." I would only add to that observation, by quoting from two California citizens mentioned in Mr. Kleeman's articles:

Mrs. Louise Parker, a school bus driver in Berkeley:

The kids? They do fine on the bus. They play and have fun. It's just the adults that don't like it—I think it's the idea of something new. But what we really should worry about is whether our kids are getting a better education.

And Dr. Joseph Engholm, a member of the Pasadena School Board:

We just haven't learned to live together, and there's only one way we're going to learn—by starting our children out together in pre-school and kindergarten.

Mr. President, I ask unanimous consent that a series of seven articles entitled "Schools and Race: Dilemma Outside Dixie," published in the Minneapolis Tribune from October 25 through 31, 1970, and an editorial entitled "The Future for Integrated Education," published in the Minneapolis Tribune of November 3, 1970, be printed in the RECORD.

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

SOME SCHOOLS MOVE, OTHERS DIG IN
(By Richard P. Kleeman)

She waited until the last of the 30 youngsters, most of them white, had been safely deposited on their home corners.

Then, as she guided the big yellow school bus down the hilly streets of Berkeley, Calif., to pick up another load, Mrs. Louise Parker—black, miniskirted and well-spoken—talked over her shoulder:

"The kids? They do fine on the bus. They play and have fun. It's just the adults that don't like it—I think it's the idea of something new. But what we really should worry about is whether our kids are getting better education."

Four hundred miles to the south, Dr. Joseph Engholm, 68, Iowa-born dentist and a lifelong Republican—who narrowly survived a recall election intended to remove him from the Pasadena school board—told a visitor:

"When I ran for the board in 1965, I definitely felt there were other ways of integrating—that changing housing patterns was the way to do it, without additional busing."

"I was wrong."

"We just haven't learned to live together, and there's only one way we're going to learn—by starting our children out together in preschool and kindergarten."

In a tiny, overheated office at the Evanston, Ill., Human Relations Commission, Ben Williams, its 34-year-old, Afro-wearing secretary, spoke out:

"Integration means nothing to me—I see no model for it. Blacks want to talk about blackness, and integration implies a kind of grayness."

"We don't talk about integration now—we just talk about being educated. I don't care who my kid sits next to in school—I just want to know, is he getting the tools that will allow him to negotiate his way in this society?"

These are some of the voices a reporter hears as he crosses the country looking into the vexing problem of racial imbalance and isolation in schools outside the desegregating South. There is yet another kind of voice:

"I believe firmly that forced racial balance is immoral, that it won't work and that it is at heart a racist philosophy to assume that a black school must be bad because it's black."

Henry Marcheschi, the self-made industrialist who led the effort to unseat the pro-integration majority on the Pasadena school board, went on:

"The real need—and the only answer—is to address ourselves not to cultural deficiencies but to cultural differences, to find an education that's relevant to them and capitalizes on them—and to get the minority more involved in educating their own children."

Thus a growing national dilemma becomes a bit more sharply defined: Once we have done away with the South's separate-by-law (de jure) black and white schools, how are we to deal with the separate-by-neighborhood (de facto) degenerated schools of the North and West?

It's a question haunting Seattle and Harrisburg and Gary and, of course Minneapolis and St. Paul. It seems to be one that stumps New York and Chicago and Los Angeles and Washington, D.C.

"Why do you call it de facto segregation? What makes you think there is such a thing?" a one-time Chicago federal prosecutor asked.

SOME CLAIM ALL SEGREGATION IS DE JURE

True, a federal civil rights official in Washington—a holdover from the previous administration—calls de facto segregation "sheer myth—wherever it exists it can be traced to some official action at some time in the past."

But his official boss, Secretary Elliot Richardson of the Department of Health, Education and Welfare (HEW), does not hold to that view. Nor, more significantly, does President Nixon.

In his landmark March 24 statement on school desegregation, the President said:

"In the case of genuine de facto segregation (that is, where housing patterns produce substantially all-Negro or all-white schools and where this racial separation has not been caused by deliberate official action, school authorities are not constitutionally required to take any positive steps to correct the imbalance."

The President went on to say that school officials "may, if they so choose, take steps beyond the constitutional minimums to diminish racial separation."

But Sen. Walter Mondale, D-Minn., chairman of the Senate's Select Committee on Equal Educational Opportunity, bitterly summed up the 10,000 word presidential statement in five words: Do as little as possible. Mondale later conducted hearings intended to discredit the administration position and to support the concept of "quality integrated education" for both North and South.

In visits to 10 small and medium-sized school systems in a half-dozen states, some were found to be deeply involved and using many creative devices to diminish racial separation. Others are refusing to move until forced to do so.

Some schools have desegregated of their own volition and/or at least as a result of internal pressures—but some have acted under compulsion from the federal government or the courts.

For, despite Mr. Nixon's attempt to dismiss them with a phrase ("Whatever a few lower courts might have held to the contrary..."), a sizable number of courts and federal examiners are not ready to accept the President's espousal of the neighborhood school, or his antagonism to "compulsory busing of pupils beyond normal geographic school zones."

JUDGES MAINTAIN PRESSURE FOR INTEGRATION

One of the earliest and most-cited of these rulings was handed down in 1968 by U.S. District Judge Julius J. Hoffman, whose conduct of the Chicago Seven trial aroused such high emotions among some.

Judge Hoffman rejected the claim of the South Holland suburban school district, southwest of Chicago, that its all-black schools resulted from de facto housing segregation, declaring:

"An 'ostensibly neutral' school-attendance zone policy which may be educationally justifiable in circumstances of some school districts is impermissible where it represents a policy by school authorities of building the effects of residential segregation into the school system."

Judge Hoffman's decision was upheld by the 7th U.S. Circuit Court of Appeals and has not been acted upon by the U.S. Supreme Court.

Federal Judge Damon Keith of Detroit, Mich., also turned a deaf ear to the claim of the Pontiac, Mich., school board that its segregation was de facto and therefore the board had no constitutional duty "to undo that which it has not caused."

By its location of new schools, its drawing of school attendance boundaries and its assignment of teachers, the Pontiac board—despite its longstanding declaration of support for racial integration—"assured the progression" of segregated residential patterns instead of "taking affirmative steps to counteract" them, Judge Keith held in February.

"The Pontiac board cannot use the neighborhood school concept as a disguise for the furtherance or perpetuation of racial discrimination when they participated in the segregated policy," the judge ruled in ordering Pontiac to end what he termed de jure segregation. His decision is before the 6th U.S. Circuit Court of Appeals.

In ordering the Pasadena school board to desegregate, just a few weeks before the Pontiac decision, U.S. District Judge Manuel Real skirted the labels "de jure" and "de facto."

"INTEGRATION PROVIDES EDUCATIONAL BENEFITS"

He held, in a case prosecuted for the federal government by Minneapolis attorney Charles Quaintance, that "racial integration provides positive educational benefits" in preparing children to live in a multiracial society.

In the Southern California city, he declared, devotion to a neighborhood-school policy resulted in increasing racial imbalance and "the same is true of the policy against cross-town busing."

Judge Real ordered all Pasadena schools to desegregate by September 1970 so that there would be none "with a majority of any minority students."

Some hint of how bitterly these decisions were received in the affected communities can be seen from the fact that South Holland tried unsuccessfully to have Judge Hoffman's ruling overturned, in part because of the judge's allegedly biased conduct of the trial.

A whispering campaign in Pontiac has kept alive stories of the long association of Judge Keith, who is black, with the National Association for the Advancement of Colored People (NAACP), although the judge himself openly called attention to this in opening the trial. In Pasadena, some of Judge Real's critics spread the word that his own children attend parochial schools.

Most recently, in a noncourt ruling that may wind up in federal court, an HEW examiner decided that Ferndale, Mich., must forfeit its federal school aid because 44 years ago the school board established a neighborhood school in all-black Royal Oak township.

Since 1926 the board has kept the school all-black and its faculty largely so. This constitutes de jure segregation in violation of the 1964 Civil Rights Act, according to examiner Horace Robbins.

Last month Robbins charged the Ferndale board with following the "separate but equal" doctrine outlawed by the Supreme Court in its landmark 1954 school desegregation decision. He found "a certain irony" in the fact that a neighborhood school was so steadfastly maintained that it became overcrowded while nearby schools had room to spare.

SUPREME COURT MUST SETTLE BASIC ISSUES

If these rulings—and others taking different positions—indicate anything, it is a need for ultimate resolution by the Supreme Court of basic questions like these: Does a child have a constitutional right to attend a neighborhood school? Must there be racial balance in every school—or can some be all-black or all-white if they reflect their neighborhoods? Is cross-town busing legitimate if designed solely to achieve racial balance?

There is hope that at least some of these questions will be resolved by the Supreme Court, which heard three days of arguments earlier this month on six major cases. Although they arose in the South, the cases raise national questions as basic as those ruled upon in the court's original decision of 1954.

Meanwhile, however, some school districts have not waited to desegregate, because the courts or their community consciences would not allow them to wait.

In the latest available figures, now two years old, HEW reported that, of 8.7 million minority students in U.S. elementary and secondary schools, 4.4 million were in 32 Northern and Western states. More than half of these—61 percent—went to schools that in 1968-69 were 50 percent or more minority, and one of every five non-Southern minority

youngsters was in a 99 percent (or more) black school.

From visits to view the success—or lack of it—of desegregation efforts outside the South, few tentative conclusions emerge:

Desegregation—and the ultimate further step of full racial integration—work best when a community moves on its own volition and least well when imposed on a divided or foot-dragging community.

Wherever desegregation works, a few outstanding individuals, black and white, led the community initially, eventually extending their spirit to the schools and community at large.

Integration is costly, and not merely because of the busing that often accompanies it. Many creative and innovative approaches and devices are being used to successfully integrate schools. In other integrated schools, blacks, whites and browns merely pass through the same portals.

Smaller cities with smaller minority populations have an easier time desegregating. Some cities with vast concentrations of blacks, such as Washington, probably can never desegregate successfully, at least not without involving the white suburbs. There has, however, been some success with dividing medium-sized cities into attendance subzones which can be successfully desegregated.

Blacks have little difficulty in sensing when a school desegregation effort is half-hearted, and black voices are speaking out not only for full equality of education but also for full participation in the decisions that shape it.

DID INTEGRATION ZEAL COST A JOB?

(By Richard P. Kleeman)

EVANSTON, ILL.—Gregory Coffin isn't here any more, but you don't talk long about Evanston's school integration without hearing his name.

From 1966 until last spring, Coffin was the superintendent who carried out—although he didn't devise—Evanston's thoroughgoing school desegregation.

The computer-designed plan had been adopted by the school board, just before Coffin arrived, at the urgent recommendation of a biracial citizens' advisory committee.

For all its reputation as a university town and wealthy conservative community of church and institutional headquarters, this North Shore Chicago suburb has a surprisingly mixed population.

It includes a concentrated black community that forms about 12 percent of the school district population of 95,000—but it provides nearly one-quarter of its grade school pupils. (Under Illinois' scheme of overlapping school districts, the system Coffin headed governs only Evanston and Skokie schools from kindergarten through eighth grade.)

But Coffin was fired. First he was given a year's notice, by 4-to-3 school board vote, that his contract would not be renewed.

Then, after a bitterly contested school board election in which three Coffin opponents won in a record voter turnout, the superintendent—brother of Yale's outspoken antiwar chaplain, William Sloane Coffin, Jr.—departed last June.

The questions that nagged this visitor to this aristocratic-looking town of tree-lined streets are: Was Coffin's discharge due to his aggressive pursuit of integration—and has the program suffered since he left?

The first question elicits contradictory answers.

But, after talking with Joe Hill, the sure-footed black who is Coffin's interim replacement and doesn't want the job permanently ("I know when I'm well off"), and after viewing some creative programs Coffin left behind, the visitor must conclude that Evanston's integration effort has not slowed—at least, not yet.

It appears, furthermore, that a militant black community, with a seemingly welcome assist from white liberals, will not tolerate a slowdown without protest.

(Even under the budget cuts he has to make this year, Hill points out, Evanston offers many extras other schools don't have—and will spend a generous \$1,200 per pupil this year.)

From Boston, Mass., where he now heads a department at Northeastern University and is writing a book on race and education, Coffin contends that his firing was ordained by a "high-handed" school board turned increasingly conservative in two elections.

"In integration, we were going too fast for the controlling interests in town. They wanted to hold back the clock, but if you maintain the status quo in that kind of situation, you go backward," Coffin said.

His personal "abrasiveness" initially was used to explain his discharge. A housewife among his followers conceded that "he just tore his community apart—there are still neighbors who don't speak."

But Coffin calls the abrasiveness charge "just campaign rhetoric," and the current school board chairman, attorney Franklin C. Gagen, said the catch-phrase masked "a fundamental lack of trust and mutual respect between the board and administration."

Gagen cited a 57-page report by the board majority, accusing Coffin of failure to keep the board informed, making last-minute recommendations, "untrustworthiness," financial mismanagement and failure to improve educational quality.

REPORTS DIFFER ON INTEGRATION PROGRESS

"His departure has not had one bit of adverse effect on our school district's commitment to the integration program," Gagen said. The board majority pledged "all-out war" against segregation in its report on Coffin.

But the dean of the Northwestern University School of Education, Dr. B. J. Chandler, termed the board majority apology for firing Coffin "a nit-picking, illogical, partly after-the-fact, propagandistic, self-righteous, self-serving diatribe."

Ben Williams, black secretary of Evanston's human relations commission, saw Coffin as "brought here to do a job—at a time when blacks were interested in integration."

"He had the good sense to see that it was not just moving bodies, but that it had to involve the curriculum, teachers, the administration—everything," Williams said.

Although, after initial racial friction, the choice of Coffin's successor now is in the hands of two consultants—one white, one black—one loyal Coffin supporter gives the board "a slim chance to get a guy who understands what integration is all about—not many educators do."

This Northwestern University professor, who asked to remain anonymous, said Coffin was fired for the wrong reasons: His real "crime" was jolting the Evanston school system out of a smug self-satisfaction.

Mrs. Betty Papangelis, one of the defeated pro-Coffin school board candidates, begins to see "little signs" of slow erosion of integration.

"It satisfies most Evanston conservatives," she said, "that there are black children in every school."

"But the real issue here is between people who want to move on and take certain risks without being assured of results—as against those who are afraid and timid and anxious about black-white relationships."

"We may lose a little," added Mrs. Papangelis, white and married to a Chicago high school teacher, "but we won't lose a lot because we plan to remain active. We may be slowed down—but we won't be put down."

Evanston's black community staged a two-

day boycott of schools and white businesses after the April school board election. From Ron Scot Lee, 27, an active black caucus member who directs the local antipoverty agency, came the prediction of another attempt to alter the school board at next year's elections.

If that doesn't succeed, Lee said, "we'll become more militant as a community—and start asking for fundamental changes."

PLAN IS SIMPLE, BUT COMPLEX TO RUN

As Supt. Joe Hill tells it, Evanston's desegregation plan is simple to describe but complex to run.

In a school district of about nine square miles—with Lake Michigan its eastern boundary—blacks are concentrated in the central city by longstanding "gentleman's agreement" housing restrictions.

Around the edges of the black residential district, school attendance zones were redrawn to jut into the central area. Black youngsters, where possible, walk out to integrated schools.

With children from the periphery of the black district thus accommodated, those from the central black community are bused out to five of the least-crowded schools around the edges of Evanston and Skokie, a largely white community also in the school district.

"We bused a lot of kids," Coffin acknowledged: The result is a black enrollment of 15 to 35 percent at each of Evanston's 21 schools.

One formerly all-black school, left vacant by the busing plan, became an experimental laboratory school that last year was renamed after the late Rev. Dr. Martin Luther King Jr.

"I think we've had almost no broken windows since our name was changed," reports Corinne Schumacher, the attractive young white principal who heads this unusual school.

Parents all over Evanston apply to enter their children in Miss Schumacher's lab school and, except for blacks who walk in from the immediate neighborhood and for anyone who can't afford it, they pay \$50 a year for the extra transportation.

What they get is an enormously innovative, ungraded school, with blacks making up 30 percent of its 630-pupil enrollment, more than one-quarter of its 29 teachers and all five of its teacher-helpers.

"At the beginning we were a handmaiden of desegregation," Miss Schumacher tells the visitor, "but by now I hope we've come into our own as a lab school."

"We're supposed to be a change agent for the rest of the school system," she said.

First things to change at the laboratory school were all the traditional school organizational patterns: Grades and classes have been replaced by upgraded, multi-age grouping under "collegial" teacher-teams with all members equal.

The school is divided into six regular teams," each including youngsters from three age groups plus four teachers—for mathematics, language arts, social science and science. The teams have names like Wildcats, Camaros, Road Runners and Cougars (hallway greeting between principal and teacher: "Hi Cougars!"—"Hi Principal!").

There's a special teacher-team for drama, art, music and physical education.

Because youngsters are regrouped frequently according to their interests and abilities, there are, according to Miss Schumacher, 16 different places where an 8-year-old might be at any given time.

Sometimes grouping depends on how well a teacher and pupil get along. "The first step to individualization of education is a love-match between child and teacher," Miss Schumacher said.

For the first time in her experience, which

covers 13 years of teaching plus four as a principal, Miss Schumacher finds parents asking to have their youngsters retained in the school an extra year. (Evanston youngsters attend elementary school through fifth grade and middle school for grades 6 through 8, but since the school is ungraded, there is no stigma of "repeating" a grade.)

At another school, College Hill in Skokie, Principal Edward Pate seems to be succeeding in getting a white community to accept a black principal and a school where 100 black children are bused in to join 220 whites.

Pate, too, has worked with his largely white staff to devise an ungraded, "continuous progress" curriculum aimed at tailoring each youngster's schooling to his individual needs.

One double-sized room at College Hill is called the "Center for Individualized Instruction." Under an experienced teacher, it is there to help teachers and youngsters—singly or by classes—by providing books, films, records or games to meet a particular school problem or interest.

Pate, 34, who graduated from an all-black college in his native North Carolina and has a University of Chicago master's degree, uses the lunchroom, the school bus and the after-school activity program to bring blacks and white pupils together casually.

Like Miss Schumacher, and others in Evanston's interracial school administration, he reported virtually no racial incidents at school. His major loss to thievery last year, he said, was a couple of chess boards.

UNIVERSITY AIDED TWO CITIES' INTEGRATION (By Richard P. Kleeman)

BERKELEY, CALIF.—It's more than coincidental that at Berkeley and Riverside, two cities where public schools have been integrated successfully without outside pressure, there are University of California campuses.

The schools derive "both pleasures and pains" from the university's thoroughly politicized main campus, reports Supt. Richard L. Foster, 52, a Reading, Minn., native and Macalester College graduate, Foster has headed Berkeley's public schools since March 1969.

"Any university controversy hits our schools within 30 seconds," he said, but the occasional "pain" is more than offset by the "pleasure" of freely drawing on university faculty, students and facilities for support of the full-scale integration program Berkeley began two years ago.

"Actually, we're delighted the university is here—it's a great asset and its enlightening effect is one of the things that enabled us to move," Foster said.

Berkeley's "move"—involving curriculum change, teacher retraining and community preparation for an extensive cross-busing program—transformed a system that once had some 95-percent black schools into one where all schools roughly reflect the community racial mix; 48-percent white, 45-percent black and 7-percent Mexican- and Oriental-American.

Berkeley claims to be the nation's first city of more than 100,000 population with a "significant" minority population to desegregate voluntarily.

Riverside, 400 miles to the south, has had integrated schools a year longer than Berkeley, but its population is 80-percent white, 13-percent Mexican-American and just 7-percent black.

In Riverside, a sun-baked, palm-studded inland city of 137,000, the university (U.C.-Riverside), March Air Force Base and the citrus industry provide the major sources of employment.

"The presence of the university has been a big help to us," says Jesse Wall, 37, an impressive, Mississippi-born, California-raised black. His school title of "director of tran-

sitional education" makes the key role he played in bringing peaceable integration to Riverside when he was a high school business subjects teacher and president of the local chapter of the National Association For The Advancement of Colored People (NAACP).

"The university professors became actively involved in our crisis and were able to provide research evidence that helped temper the feelings of some of the radical Anglos (whites)," Wall recalled.

In another major role for the university's Riverside branch, an associate professor of sociology, Dr. Jane Mercer, is directing what may be the nation's most extensive before-and-after research on effects of Riverside's integration. Of her work, more later.

If Berkeley and Riverside illustrate the value of a nearby university for desegregation, they offer proof also of two other essentials:

Painstaking community preparation plus the presence at the right time of a few key leaders who refuse to be intimidated.

(Riverside, it must be said, also demonstrates how a single, even unfortunate incident can accelerate desegregation: there it was the 1965 burning of all-black Lowell School.

(Unquestionably a case of arson—although the firebug never was caught—the fire, preceded as it was by community discussion of possible integration plans, resulted first in emergency busing of some 200 black youngsters to other schools. A year later, two all-black schools were closed, and in 1967 the predominantly Mexican school was shut—and Riverside's one-way busing of minority youngsters throughout the city was in full swing—in a community that once had bused only white children to preserve segregation.)

In Berkeley, although desegregation discussions had gone on since 1958, with an increasingly liberal school board pressed by the local NAACP and other community groups, one man is credited with implementing the "Berkeley plan"—Dr. Nell V. Sullivan.

Hired in 1964 to bring about desegregation, Sullivan quit voluntarily—to become Massachusetts education commissioner—on the first day of full integration in 1968. (Massachusetts today has the nation's first state school racial imbalance law.)

Described by a black former associate as "a dynamic tablepounder who never lets anyone talk him out of an idea," Sullivan, according to this ex-associate, "made beautiful things happen"—and took no backward steps in moving the community toward integration.

"I'd have hated to have him on the other side," his one-time coworker observed.

Recently Sullivan told the U.S. Senate Committee on Equal Educational Opportunity, "The Berkeley plan was acceptable to all not only because it was fair to all but because all segments of the community participated in its development.

"Our goal," he said, "was not simply integrated education but quality integrated education. To this end all parties—students, teachers, administrators and citizen groups ranging from conservative elements to black militants—cooperatively designed both logistics and curriculum."

Unlike Riverside's one-way busing of blacks and Mexicans to once-white schools—"That is not Berkeley's way," a school system fact sheet says, somewhat snootily—Berkeley's grade school busing is a two-way proposition.

Four "attendance zones" have been set up across what is essentially a triple-decked community: The "Hills," the wealthy, largely white university and professional area; the "foothills," a middle-class integrated area, and the "flats," the all-minority district.

Each attendance zone includes one large intermediate school for grades 4 through 6, fed by several primaries, kindergarten through grade 3.

The net result of computerized school assignments for racial balance is that some 3,500 of the town's 8,600 grade schoolers are bused—generally primary-school blacks from the flats up to once-white hill schools, and intermediate-school hill youngsters down into black and mixed neighborhoods. (Berkeley's junior and senior high schools were integrated well before 1968).

"The only thing that's not quite equal in our program is that the youngest black children move while the youngest white youngsters remain in their neighborhoods," said Dr. Kathrynne Favors, black director of the schools' office of human relations.

But she, like Foster, reports "absolutely no complaints; many parents see the convenience of busing—just putting their kids on a corner. That's the way mine get to school."

Although busing costs Berkeley \$250,000 a year—some \$180,000 more than before integration—half is state-reimbursed.

"I don't get any more questions about whether we should bus or not," Foster told this reporter. "The only question I get now is 'Can we continue to improve?'—and that's a legitimate question."

To that end, the school board (described to me by a black as "one black, three Jewish people and one white lady") is testing a number of techniques. The board is convinced that middle-class white youngsters are in no way hampered by integration—but still finds poor blacks lagging behind wealthier schoolmates in school achievement.

"Now that we no longer deal with overt racism, we're trying to test for subtle racism," Foster said. "Are there teachers who expect less of blacks?"

Also under board study: a longer school year for some, after-school tutoring, identifying teachers, who "make it" with slow pupils and using them as models for others—all designed to implement a board goal of one full year's progress for every child every year.

How seriously the administration takes integration is evident from a memorandum to principals in which Dr. Favors claims some school staff members still act like "crushers of dreams and multilayers of minds."

The memorandum called on principals to remove such people from contact with students "unless you can find ample evidence that they can treat all children with respect."

Foster terms "blatantly untrue" the claim of integration foes elsewhere that Berkeley has suffered "white flight": since integration, the white school population has dropped about 2 percent and black risen about 1 percent, he said.

Down south in Riverside, credit for desegregation—which all hands say probably could not be achieved from scratch in today's more difficult racial climate—probably belongs equally to Wall, a black; to Arthur Littleworth, the thoughtful attorney who heads the school board, and to Ray Berry, prematurely white-haired educator who, first as assistant superintendent and then as top man has made integration work.

"The absolutely vital point—one where many school districts make a mistake—is not to try to sell integration," Berry said.

"That's not our business and it's no longer salable.

"What we have to talk about is the education of every child and doing whatever that calls for. The community, I believe, understands this. When you follow that philosophy, there are thousands of decisions that have to be made to adapt the educational program to it."

Wall—admitting he is "sometimes to militant for the mild and too mild for the militant"—finds his position in the black community not undesirable: "In the shakeup, he said, 'I get to be my own man.'"

The single factor perhaps most responsible

for Riverside's acceptance of integration, according to Wall, was its lines of communication: "You can talk to anybody you want here—without hostility."

In 1963, Littleworth became the first community leader to agree to serve on a human relations council. Wall was organizing and the black teacher and the obviously prosperous white Republican attorney began a continuing dialogue on the education of minority children.

Slowly the school board moved, first toward "compensatory" education for poverty-area schools, then toward partial desegregation and—only after the rioting in the Watts area of nearby Los Angeles and the Lowell school fire—on to full integration.

"I was frankly shaken at the total lack of faith of minority people in white government," Littleworth said. (The five-member school board, which perpetuates itself by filling vacancies by appointment between elections, still is all-white.)

I thought that, in developing our plan, we could help restore that faith."

Littleworth faced plenty of opposition, including the charge that the board planned special treatment for minorities.

"Sure, it was that—but we have special treatment for special problems throughout the school system—for athletes, for shop majors, for the gifted and handicapped," he said, in an interview at his well-appointed law office.

"Our board just felt we were on the right track and we went ahead." The board was helped, Littleworth acknowledges, by the city's "manageable" numbers of blacks and Mexicans, by the age of the schools to be closed and the plans for replacing them and "partly by luck—our circumstances were right."

Although some in the community were skeptical and antagonistic, the dominant attitude was "give it a try and see what happens."

"All the fears people had just didn't materialize," the board chairman added.

"There are thousands of Riversides all over the nation where problems are similar," he went on. "First, though, you have to be willing to recognize that schools have a responsibility to do something about racial minority problems."

"If you're committed to that, there are few communities that couldn't do something, even though what Riverside did might not be the answer everywhere."

"Of course, there are 10,000 ways to sabotage a program like this if you don't want it to work—but we saw that we ought to go into it with good education in mind and we work at that all the time."

"I don't say you can't have good all-black or all-Mexican schools—but in our situation in 1965, we could not have had as good education in segregated as in integrated schools."

TWO WAYS TO INTEGRATION

(By Richard P. Kleeman)

"I hear you've been hanging around the school," the black sergeant said to me, after he and another black policeman had parked their patrol wagons so as to block my car.

This was Royal Oak Township, a black enclave in the Ferndale School District just outside Detroit, Mich. A white face there is so rare that my merely observing all-black Grant School from a parked car one early morning caused me to be challenged, first by the school's black principal and then by the two policemen.

Hundreds of miles to the east, in suburban-sprawl, light-industrial Union Township, N.J., Fred Stahuber, the frank, plain-talking school superintendent, explained why he insisted on having more than one black child in every desegregated classroom:

"Black isolation is on good," he said. "I went through that myself—I was the only

German in my four-room school right after World War I, and I was beaten up every day—they called me a 'Heinie'."

These two widely separated, middle-class communities have something in common: In December 1968, the U.S. Department of Health, Education and Welfare (HEW), despairing of quick desegregation in big Northern cities, took on Ferndale and Union.

Those communities, plus a handful of others of comparable size, North and West, were told they were violating the 1964 Civil Rights Act and must desegregate or forfeit federal school aid.

Union—aimed threats of violence, boycott and white exodus but with its school board unanimously backing Stahuber's recommendation to comply—desegregated.

Ferndale, its board contending that establishment of Grant School in 1926 to serve Royal Oak Township was beyond its control and consistent with neighborhood schools practices, resisted.

After lengthy hearings before a HEW examiner, who ruled against the school board last month, Ferndale's resistance still continues.

UNION TOWNSHIP, N.J.

The \$185,000 in federal funds that this community near Newark airport stood to lose was "not that much, really" in a \$10-million budget, Stahuber said, "but I believe in integrated education."

His board—eight whites and the one black accountant—went along. "The board didn't break," Stahuber recalled. "If it had, it would have been the ball game."

After numerous, often-heated community discussions ("we wanted the whole town to be involved in the decision") Union's novel plan emerged from a meeting of some 40 community leaders.

Stahuber swears that although the novel plan—converting the all-black school into a central facility for all Union's sixth graders—was among nine under board study, it also was suggested from the floor at that meeting by a white PTA member.

"Nobody will ever believe it, but we didn't plant that man there," the superintendent said.

Under the plan, now in its second year, black youngsters from the low- and middle-income Vauxhall area—which HEW contends an earlier school board had deliberately zoned for segregated school—are bused to six outlying schools for kindergarten through grade 5. All sixth graders are bused (or, in the case of neighborhood blacks, walk) to the "Central Six."

Thus all the district elementary schools reflect the community ratio of blacks—11 percent. This proportion is maintained at two junior high schools by "feeding" them out of schools that youngsters attend for fifth grade.

The number of buses owned and bus-miles traveled were doubled, but not all of that can be traced to desegregation, Stahuber said. The new plan coincided with a decision to bus more pupils in general, and with first operation under a state law requiring public schools to bus parochial and private school students.

Stahuber believes a "Central Six" makes educational sense because it helps prepare sixth graders to leave their neighborhoods for junior high school. At the same time, the school can concentrate at one building special sixth grade staff and programs in counseling, athletics and extracurricular activities, he said.

If union's "Central Six" is succeeding, Stahuber and many in the community credit it to Principal Martin Zwillman, a genial, unflappable educator who somewhat resembles Don Rickles.

"It sounds strange," said Zwillman, who also headed the school when it was an all-black elementary, "but things have gone so well here that it's frightening."

Youngsters "love riding the school bus," he observed, "because they have a ball and see new parts of town—but it's a little sad at 2:30 to see the black kids standing at the curb waving good-bye to white kids going home to their neighborhoods."

CHILDREN GET ALONG WELL

Far from experiencing racial troubles, one teacher told me, "the children are intrigued with each other—perhaps a little too friendly for getting the work done."

A white mother, Mrs. Alfred Liotta, who lives across town and headed Zwillman's PTA last year, said she once had been "definitely opposed to busing kids all over town."

"I still feel the home school is best, but I suppose this will work out," she said, adding, "Some still may have some reservations, but as long as the decision is made, we might as well accept it."

"Racially, I have no objections whatever—many of my friends are Negroes."

A black mother, Mrs. Ralph Hightower, noted that "blacks are bearing the larger part of the (busing) burden." Some parents were willing to retain their all-black neighborhood school, she reported, "but when they look at the entire picture, people realize that what they should be interested in is their children's education, and the majority anticipate that in the long run this is the better thing for the children."

Both Stahuber and Zwillman got awards for the first year under integration—the superintendent's from the Black Student Coalition and Zwillman's from his more than 600 students.

Proudly Stahuber displays a letter from a white mother who wrote "as a parent who was quite upset at the prospect of my son traveling by bus to the other side of town."

But, under a "well-qualified faculty" headed by a "dynamic principal loved and respected by children and teachers alike," this mother wrote, "what could have been a disaster turned out to be a wonderful learning experience."

As I prepared to leave Union, Stahuber said, "I'm not going to sit here and tell you that 53,000 people of Union Township are just overjoyed that they've done a christian-like deed."

"I'm still called a nigger lover by some. But I have to assume that down deep people accept this for more than just a board mandate—and feel that it's right and good."

FERNDALE, MICH.

Ironically, more than half of the \$265,000 federal aid that this school system just outside Detroit stands to lose by refusing to desegregate Grant School has been used at that all-black school—to make classes smaller and add teacher-helpers.

Ferndale's state aid of nearly \$3 million also is imperiled under Michigan laws, should the final federal decision go against the school board.

The board based its refusal to obey HEW's order on the claim that it was not responsible for the segregated nature of the Grant neighborhood and did not act in a racially discriminatory manner in maintaining Grant as a neighborhood school.

HEW hearing examiner Horace Robbins, however, found that Grant "is and was a de jure segregated school" and that board policy for 44 years "has been consistently one of segregating the Negro children residing in the Grant area."

An official reply stated: "The board recognizes that de facto segregation exists at Grant School. It further recognizes that real educational problems exist at Grant School."

This referred to the finding, some years ago, that three-fourths of Grant's 325 black youngsters were reading two years or more below grade level. The board launched an intensive "compensatory" program, directing extra federal funds into Grant.

Results so far have been "minimal," according to a school spokesman, and other possibilities—even a "project prime" to work with parents of one-year-olds—are being considered.

Ferndale operates desegregated, 10 percent black junior and senior high schools, but its nine other elementaries are largely white neighborhood schools. Busing is nonexistent except for the handicapped.

SEVERAL WAYS TO INTEGRATE

Although the board has recognized that Grant could be desegregated in several ways, none of these plans has been adopted.

"I think there are those in the black community reasonably satisfied with Grant's location," Dr. Ward Peterson, school board chairman, said.

One black spokesman, Ernest Wilson, chairman of the Committee for Equal Opportunity in Education, seemed both to confirm and contradict this:

"Our prime concern is quality education at Grant—not whether the school is desegregated. But it seems the only way we're going to get quality education here is to desegregate."

"There must be something wrong with this school, because if it had quality education, whites would have no objection to their kids going there—and they do object."

Merely redrawing a boundary with another school a half-mile away would desegregate Grant, Wilson pointed out.

Ferndale's ultimate appeal within HEW—before going into court—is to Secretary Elliot Richardson, who takes the Nixon administration position that segregation caused by neighborhood racial patterns does not, under the Constitution, require correction.

HEW examiner Robbins specifically avoided ruling that the all-black neighborhood surrounding Grant automatically makes it a de jure segregated school. Such a decision Robbins intimated, is better left to the courts.

PONTIAC APPEALS COURT RULING

Some 15 miles north of Ferndale, there is resistance to desegregation in Pontiac, Mich., where it was ordered by a federal court in a case started by the local NAACP. The court order is not yet in force, because it is being appealed, but the school administration is ready with a far-reaching desegregation plan—although the school board dislikes it and never has officially adopted it.

In this city of 85,000, where three large General Motors plants plus affiliated industries normally dominate a now-strikebound job picture, the federal court found de jure school segregation. Despite announced good intentions, the board did not try to counteract residential segregation in locating new schools, Judge Damon Keith held.

Furthermore, in a theme running through many recent desegregation decisions, the judge said that "historically black teachers have been and continue to be assigned to black schools and white teachers assigned to white schools."

"Segregation of faculties alone is sufficient for a finding that discrimination as to race has occurred and that the board is guilty of de jure segregation," Judge Keith held.

Under the plan administrators designed for this school system of 25,000 students, 31 percent of them black, high school boundaries would be shifted to more nearly equalize the races at Central, 48 percent black, and Northern, 15 percent. Junior highs would be desegregated by creating single-grade schools.

Kindergartners would attend neighborhood schools, but each grade school would combine a kindergarten with two other grades—first and second, third and fourth, or fifth and sixth. Thus youngsters would be in a neighborhood school for kindergarten plus two of their six elementary years, and be bused out for four years.

Two-thirds of students in grades 1 through 9 would be bused, according to William J. Lacy, assistant superintendent, and the schools would need 70 more buses than the 35 now operated.

A divisive school board election last spring changed a board that stood 4-to-3 against the busing plan to a 5-to-2 majority, with both minority members black.

While Pontiac awaits final word from the courts, all has not been quiet. Rock-throwing racial clashes erupted three times early this month at downtown Central high. Four white youths and one black were shot—with one white seriously injured—and three youths, two blacks, and a Mexican-American, were arrested.

After being closed for three days, overcrowded Central High was reopened under a "closed campus" order forbidding students to leave the locked building during the day.

In racially divided Pontiac, according to late reports, tension remains high.

BUSING DISPUTE IS PARALYZING: INTEGRATION IS FALTERING IN DENVER

(By Richard P. Kleeman)

"If there weren't some glimmer of hope, I'd be out there with a Molotov cocktail—and I don't have one."

This was no black revolutionary talking, but George L. Brown Jr., 45, 16-year Colorado state legislator, now director of the Urban Coalition in metropolitan Denver, Colo., and an announced candidate for mayor next year.

A Kansan who has lived in Denver for 20 years, Brown, a one-time newspaperman, characterized the situation in Denver's reluctantly desegregating schools as "chaos" and added:

"I've given up any ideas that we can reach our goals by appealing to folks' goodwill—we've just got to devise better ways to appeal to their selfish interests."

Last summer a white Denver attorney and civil rights activist told Sen. Walter Mondale's Committee on Equal Educational Opportunity:

"If we cannot find positive solutions in Denver—if we can't end racial segregation in housing and education—then I don't think we can do it anywhere."

Richard E. Young, who said that in Washington, repeated it to me in his Denver office:

"With proper leadership from our board of education, I'm convinced our schools could not only be integrated but education could be improved five-fold," Young said. "But we're getting just the opposite: the school board is not leading, educational quality is running downhill and we're becoming mediocre in everything we do."

"The board majority is so tied up on the busing issue that anything that gets done in our schools will be done by the federal district court—and I don't think the court should be running our schools."

For that conclusion, integrationist Young would win agreement from many an otherwise-disagreeing Denverite, and perhaps from anyone who has seen this city of 525,000—resembling Minneapolis in size and reputation for progressiveness—tear itself apart over court-ordered desegregation.

For plainly, despite long-range notes of hope sounded by Sen. Brown, who is black, and young, Denver—where racial incidents have forced two schools to close temporarily and to keep police on hand when open—is not "making it."

"Ours is not the most enviable situation in the world," says Howard L. Johnson, 62, a 40-year employee of the Denver school system who was elevated to superintendent this fall just in time to preside over the first of three annual steps toward desegregation ordered by U.S. District Judge William E. Doyle.

Seemingly well-intentioned, but at this stage of his career hardly ready to push his school board beyond forced acceptance of the

court mandate, Johnson finds his community "definitely polarized" and evidencing "definite feelings of antagonism" toward Judge Doyle's order.

It is a complex order, principally affecting 17 heavily minority schools in a system of 96,000 youngsters—65 percent white, 20 percent Spanish-American and 15 percent black. By 1972, Judge Doyle ordered, no school should have less than 50 percent white ("Anglos").

When I visited Denver, there had been one racial flare-up and a brief closing of George Washington High School, a college-oriented senior high in a largely white, middle-class east-side area. The school had become overcrowded with the addition of some 250 black students, bused in, not too willingly, from Eastern, their neighborhood school.

Since then violence has erupted again—reportedly over the presence of undercover policemen seeking narcotics—and the school, closed for a week, was scheduled to reopen this week on split sessions intended to reduce congestion.

Although Johnson insisted that, once the court order became final in June, "we tried as concerted a drive as possible" to prepare the George Washington students, faculty and community for desegregation, others criticize the schools for not having done more, sooner.

The first incident at George Washington, the Denver Post said editorially, was far from representing a failure of forced integration. "There was no integration there of any kind—there is only desegregation, bringing together in one place people of unlike backgrounds."

Other Post articles, on both editorial and news pages, pointed to the lengthy city-wide preparation for integration at Berkeley, Calif. In contrast, one writer noted, even after the court's intent became clear last March, Denver principals were left to initiate preparatory human relations programs on their own.

Attorney William Berge, the school board's conservative chairman, called busing-in of blacks to George Washington unprecedented—in that Denver had not previously bused high school students—and unfair—in that it disrupted students' school, club and athletic affiliations.

At least the changes should have affected only entering 10th graders, Berge said, adding, "but I don't believe you can only get an education if you attend a school where the percentage of your race is the same as it is in the community. If you want, you can get as good an education (without that)—if facilities are equal."

On the day I visited George Washington—early enough to see the arrival of a half-dozen uniformed policemen, kept available but out of sight—there was little evidence of informal mixing between the school's 2,700 Anglos and 300 blacks.

Principal Jack C. Beardshear mentioned the unwillingness of many blacks to be at his school, but said the first racial flareup "was one of those things that could have been averted."

"We had to implement desegregation on short notice and the result was frustration and alienation," he said. "We could have had a better setting for them to come into."

The first closing was used for intimate, small-group, student-faculty discussions. Plans were announced to add black teachers (the school had only two among 130 at first) and more "ethnic" literature in the library.

Said Beardshear, a 25-year veteran of Denver schools:

"Schools have always been the place where great social problems are worked out and this is just a change in society. Schools somehow have to change with it—we don't quite know how, but we must and we know

there's no sense in looking over our shoulder and telling how things used to be.

"I think we can build something positive out of all this. If we can't, I don't know where I'll go to work next."

Highly critical of the lack of preparation at the school, however, was the woman who brought Denver's desegregation crisis to a head 18 months ago—Mrs Rachel Noel, the stately, deep-voiced professor of black studies and sociology who is the school board's only black and only woman member.

Charging administrators with "doing nothing" after the judge's march order—because they thought an appeals court might suspend it—Mrs Noel asked: "Why couldn't they go ahead and act—rather than react?"

"Everyone knew what needed to be done at GW—there was nothing so new about it."

"They needed human relations training for teachers, black history resources in the library, counselors not just college-oriented, planning in every aspect of the curriculum—even down to the kind of food served in the lunchroom."

Mrs Noel does not plan to seek reelection next spring. "I don't think I could get reelected," she says after one six-year term.

It was after her three desegregation resolutions were adopted last year by a 5-to-2 board vote that Denver underwent a searing election campaign that saw two who voted with her snowed under by two men claiming they favored voluntary—not forced—desegregation.

Immediately after that election had converted the board to 4-to-3 opposition to Mrs. Noel's proposals, the new majority rescinded them. It was this overt action—promptly challenged by eight parents represented by a corps of volunteer attorneys, including Denver's largest law firm—that Judge Doyle quickly branded as "de jure" segregation.

He first ordered the Noel resolutions reinstated and then, in March after a lengthy trial, found Denver's minority schools unequal and thus in violation of the 14th (equal protection) Amendment to the U.S. Constitution.

Last May, after hearing testimony from such experts as Johns Hopkins' Dr. James Coleman, Doyle concluded that "improvement in the quality of education in the minority schools can only be brought about by a program of desegregation and integration."

Although the judge expressed hope that mandatory busing would be "avoided to the extent possible," this is the ruling under which Denver currently chafes.

Depth of community feeling on the issue is clear. Mrs. Allegra Saunders, who voted with Mrs. Noel with some reservations, not only lost her school board seat on account of it but also was unseated, in a Democratic primary, from the state Senate. "They" spread the (false) rumor that she and her husband had sold their home to Negroes, she told me.

The school issue also may affect Tuesday's congressional election—Craig Barnes, 34, who unseated Rep Byron Rogers, a 20-year veteran, in Denver's Democratic primary, was one of the attorneys—termed "professional do-gooders" by school board President Berge—who helped prosecute the lawsuit.

His underdog Republican opponent, after initially saying he would avoid the issue, has taken to calling busing "the worst kind of racism"—and may have cut into Barnes' early lead.

In another, far smaller community, South Holland, just outside Chicago, Ill., court-ordered desegregation is in its third, grudging year in a community described by its school superintendent as "mad as hell."

Since 1968, South Holland schools report losing about 1,000—or about one-third—of their students. Although the exodus seems to have slowed, most of the departed are white and each represents a loss in state aid of \$350 to the schools' deficit-plagued budget.

"For an American who is devoted to his country or wants to believe in the intelligence and goodwill of its citizens, it is very painful to contemplate and difficult to understand the continued resistance to school desegregation."

In these terms wrote U.S. District Judge Julius J. Hoffman, 75, in finally ordering the South Holland elementary school district desegregated last year.

But, understandable or not, the school district—which once had all-black schools in the across-the-tracks black community of Phoenix—continues to resist even as desegregation goes on.

"The trouble with a case like this is that when blacks and whites fight each other, they forget about education and kids and get so angry they just don't care," Dr. Thomas Van Dam, superintendent since 1968, said.

His words were the ironic corollary of what I was told later in desegregated Riverside, Calif.—that only by stressing quality education, not race-mixing, could integration succeed.

Van Dam, a one-time Chicago principal, recounted the steps he is taking to implement desegregation, but did not spare criticism of Hoffman's order or his conduct of the trial. The superintendent also scorned the idea of "using our schools to solve a social problem—one that Congress doesn't have the guts to face itself."

Under the final court order, the schools were desegregated by busing youngsters (through fifth grade) to white schools outside of Phoenix and converting the two once-black schools there into a center for all sixth, seventh and eighth graders.

Van Dam claimed Hoffman adopted a U.S. Health, Education, and Welfare Department plan arrived at after "superficial study." The fact that the plan transports all black youngsters from the poorest Phoenix area to the same white school "shows real intelligence," Van Dam declared sarcastically.

Busing costs, he reported, are up from \$14,000 to \$61,000 a year. With two school funds showing deficits and depending on borrowing against future collections, "we're going to be bankrupt within a year if we don't get a raise in taxes," the superintendent said.

Such a raise has been rejected three times by local voters since 1968, however, and Van Dam currently is trying to latch onto federal funds newly made available to desegregating schools by the Nixon administration.

Although he has pared his administrative staff, Van Dam says he tries to keep his schools attractive by maintaining a superior program and experimenting with new curriculum ideas, including minority history. Still, the wide ability-spread in some classrooms, he maintains, "creates chaos."

He commends the community's black and white residents for avoiding violent confrontations—so far.

Although his 2,000 students are 38 percent black this year—up from 30 a year ago—Van Dam believes that now "we may have stopped the flight of white kids."

Because he still hopes the Supreme Court will rule on South Holland's case, Van Dam declined to permit visits to his schools.

The lone black school board member, Pershing Broome, a teacher in a neighboring high school, said he supports South Holland's appeal to the Supreme Court because "I want to see this settled by the highest authority."

BOARD HAD FAILED TO CARRY OUT ITS INTEGRATION PLANS (By Richard P. Kleeman)

PASADENA, CALIF.—"I'd kinda liked to have done it just because it was the right thing to do."

Pasadena's school superintendent, Dr.

Ralph W. Hornbeck, was talking about the sweeping integration that has taken place this year in the schools of this fabled southern California city.

"My own feeling is that we could have done a smoother job without the court decision—and avoided the recall and all this dissension," Hornbeck, 43, said.

But Pasadena didn't have that luxury: The "Pasadena Plan"—which Hornbeck likes to call "superior education in an integrated setting" but critics call "forced crosstown busing"—was initiated, after a long-pending lawsuit, under federal court order.

And the three-member school board majority that voted for the plan—and against appealing Judge Manuel Real's decision last January—have just survived a bitter recall election by narrow margins, none greater than 3½ percent.

Best known for the Rose Bowl, Cal Tech and the jet propulsion laboratory—and for being a luxury bedroom and shopping community on the fringe of Los Angeles, this city of 125,000 can hardly live up to its press notices.

"Most of what people know about Pasadena is a stereotype that no longer exists," said Hornbeck, a Los Angeles native and 18-year veteran of the Pasadena schools, which he has headed since 1968. (Because it includes some smaller communities, the school district population is close to 200,000.)

"People who think of us as a sunny vacation town are often surprised to find that 25 percent of Pasadenans live on a poverty income and that our schools are 34 percent black, with another 12 percent Mexican—and Oriental-American," Hornbeck told me.

DIVIDING LINE DOWN THE MIDDLE

How well this mixed population shares this city of palm trees, sleek shops and close-cropped lawns was told, with pardonable oversimplification, by the 17-year-old president of the Pasadena high school student body:

"There's a kind of dividing line down the middle—one side white and the other black," said Kam Kuwata, a leader in the student campaign to defeat the recall.

"It's a sad thing," Kuwata went on, "almost two separate communities, and to bridge that gap we just have to get people together. The Pasadena Plan is the only way Pasadena can survive as a community."

Let it be thought that Kuwata exaggerated Pasadena's racial separatism, consider what Charles Quaintance, now a Minneapolis attorney, told Sen. Walter Mondale's Committee on Equal Educational Opportunity last September.

Quaintance, who as a U.S. Justice Department civil rights lawyer prosecuted the case against Pasadena, pointed out that before integration, 85 percent of the city's black youngsters attended eight grade schools, while 90 percent of the whites went to 21 others.

Five elementary schools never had had a black teacher, and last year there were, in fact, only four black instructors "east of the racial divide"—where there never had been a black principal, Quaintance reported.

One teacher's personnel file carried the notation "doesn't like Negroes" . . . when one black teacher-applicant appeared for a job interview, a receptionist told her, "maids apply downstairs."

Against this long-established atmosphere of separatism, three families—one black, two white—launched a lawsuit in 1967. It was intended to force the board to implement a modest plan calculated to lessen crowding at Pasadena high school, while preserving some racial balance at increasingly black Muir High.

PLAINTIFF PLEASANT WITH LAWSUIT

"Best thing we ever did," Mrs. James Spangler, one of the white plaintiffs said to me, of the lawsuit. They filed, she said, be-

cause she and her stockbroker husband, wearied of seeing neighbors flee their Altadena neighborhood as schools became increasingly black, told themselves, "Dammit, they're not going to move."

(A statistician at that time calculated that Pasadena whites could become a minority within three years.)

It was this lawsuit, subsequently moved from state to federal court, that the Justice Department, under Attorney General Ramsey Clark in the Democratic Lyndon Johnson administration, joined in late 1968. The federal suit, charging the school board with deliberate acts of segregation, was the first federal desegregation prosecution on the West Coast.

By the time the suit came to trial early this year, the school board had become pro-integration by 3-to-2 margin and Albert C. Lowe, Jr., a 44-year-old furniture dealer of Chinese ancestry, had become the board's first non-white member—and its president.

Nevertheless, the all-Republican board (which has since appointed a black member, also Republican) continued to contest the government suit:

"We all believed in working out our problems without a government mandate," Lowe explained. "It was the old story—local problems, local solutions—so we tried to negotiate a settlement for two years more to eliminate the existing patterns of segregation."

But, Lowe reported, they found Judge Real and "the government" (Quaintance) "adamant about the timetable."

The board wanted the time, Lowe said, to "sell the rationale" of the benefits of desegregation and to work with the community in evolving a solution, probably starting desegregation at the high school and moving gradually into the grade schools.

Judge Real ruled last January, holding that "racial integration provides positive educational benefits" and that the board had failed to carry out its announced integration plans.

BOARD DECIDED NOT TO APPEAL

He ordered that by September "there shall be no school in the district with a majority of any minority students"—and the board decided, 3-to-2, against appealing the decision.

The reasons, Lowe said, were "legal and pragmatic": having already spent \$65,000 in legal fees alone and an estimated total of \$200,000 in fighting the lawsuit, the board was advised that appealing could bring neither an immediate stay nor much prospect of reversal. Furthermore, other schools already were appealing similar issues to the Supreme Court.

The board's refusal to appeal, however, was one reason that some 23,000 Pasadenans signed recall petitions to turn out Lowe and the two who voted with him. After that election was narrowly decided two weeks ago in favor of retaining the board trio, Lowe's first post-election comment was:

"The first thing we have to do is put this community back together."

The board still might have avoided the divisive recall—that saw an unprecedented citizen effort on both sides, with most civic groups backing the school board—if it had gone beyond Judge Real's order, Lowe believes. The order largely affected nine majority-black schools and would have left most grade schools with a white minority.

"We decided this was educationally unsound and racially unstable," Lowe said, in obvious reference to the prospect of further "white flight."

"We recognized that this was a community challenge and there ought to be a total community effort to meet it."

RETAINS NEIGHBORHOOD CONCEPT

If the Pasadena plan does not preserve the cherished neighborhood school, it does retain the neighborhood concept, Supt. Hornbeck pointed out.

Grade schools are divided into kindergarten-third grade "primaries" and grade four-to-six "elementaries." Children stay close to home neighborhoods for half of their elementary years and travel to another school—along with their neighborhood friends—for the other half.

CHANGE PRODUCES EDUCATIONAL ADVANTAGES

Once at school, however, neighborhood cliques are split up into integrated classes.

"We think that children staying together is more important than how far they go to school," Hornbeck told me.

There are educational advantages to the arrangement, which permits more specialization at each type of school, he said. There also are advantages in the new shift of ninth graders from junior to senior high schools, relieving overcrowded junior highs and making more courses available to high school freshmen, Hornbeck believes.

Although the plan has brought every Pasadena school within 5 percent of the community racial pattern—and no school has more than 40-percent minority enrollment—"it would be a good plan if it had nothing to do with ethnic balance," Hornbeck maintains.

But to critic Henry Marcheschi, a leader in the unsuccessful recall move in which the three incumbents were challenged on a complex ballot by a total of 14 candidates, the issue is "whether forced racial balance is indeed the answer to the best educational opportunity for our children."

"There's no doubt we can integrate our society," Marcheschi said, "but if we do it by force, we will do it only by totalitarianism."

The million-dollar busing costs—which Hornbeck readily admits result from transporting 15,000 instead of 3,000 students—"may be negligible compared to the social costs," Marcheschi claimed. Cub and Boy Scout, Brownie, Campfire Girl and church groups have reported difficulty in organizing afterschool programs because "kids average an hour a day on school buses," he said.

Hornbeck vigorously denies critics' claims that busing is financed through deficit spending ("Our budget is completely balanced") and denies also that white enrollment has dropped significantly this year.

SLIGHT DROP IN ATTENDANCE NOTED

Total attendance of 29,200 is about 1 percent below predictions, with the white percentage down and black up a couple of percentage points. Both shifts are scarcely more than normal, the superintendent said, estimating that "we may have lost about 200 Anglo (white) students" on account of integration.

SCHOOLS: CHILDREN TAKE BUSING IN STRIDE (By Richard P. Kleeman)

"Of course I came from a small town in Minnesota, so busing was nothing new to me."

This, from Mrs. Matt Wadleigh, the parent-volunteer who greeted me at Longfellow School, in a black section of Berkeley, Calif.

Pat Wadleigh is a 1946 University of Minnesota graduate and daughter of Ben Gimmedad, retired publisher of the Dawson Sentinel.

"I suppose I wasn't eager to have my kids bused—I liked the idea that they could walk to school," she said.

"But now the advantages so outweigh the disadvantages that I'm delighted—and this school is specially exciting."

The Wadleigh twins, Lief and Mette, 10, are among about 450 white youngsters bused from Berkeley's upper-income Hills area to Longfellow, a "Flatlands" school of more than 1,000 youngsters, integrated, like all Berkeley schools, since 1968.

Longfellow is headed by the city's youngest principal, Richard Hunter, 31, a soft-spoken, Afro-wearing Nebraska-born black.

He believes in involving parents of all races, along with students and teachers, in the many activities that seem to keep his school in constant ferment.

While Mrs. Wadleigh coordinates Longfellow's volunteer tutoring plan, her bus-rising fifth graders, she reports, have acquired a new, broader outlook: "They learned that people are people regardless of background—they find some they like and some they don't—but it's based on personality, not color."

If Mrs. Wadleigh finds busing not so bad, the former Minnesotan who heads Berkeley's schools comes down hard on those who make it their reason for opposing desegregation:

"Busing is not the issue—it's a mode of transportation," Dr. Richard L. Foster said. "The issue has to do with the willingness of white, middle-class parents to permit, or encourage, their kids to go to school with black kids."

"We ought to stop talking about busing and lay it right where it is—racism. Busing just gives people a socially acceptable excuse for not facing themselves."

In Denver, Colo., a few days earlier, Mrs. Rachel Noel, the one black on the school board, told me, "I don't say 'busing' any more—I say 'transportation.'"

"After all, we don't have to be wedded to buses—some day we might be talking about monorails."

The California Legislature has passed a law similar to one that Alderman Mark Anderson proposes for Minneapolis—barring racial-balance busing of youngsters without their parents' consent.

But schoolmen with whom I talked were undismayed at this law, not yet in force because of a court challenge.

Buses are merely a convenience furnished free by the schools, I was told often, and parents who choose not to use them must find ways to get their youngsters to assigned schools.

But the school administration's right to assign a child to a particular school has not been successfully challenged, these educators always emphasized, and it probably won't be unless the Supreme Court says that a child has a constitutional right to attend his neighborhood school.

I rode school buses in Berkeley and Evanston, Ill., and watched them unload in several other communities. In neither place did I see youngsters, black or white, taking the ride—as long as a half hour—in any but a matter-of-fact fashion.

On Mrs. Louise Parker's Berkeley Bus, where riders were mostly white, I listened while two fifth graders, one black and one white, made a date to toss a football around later that afternoon.

It was on that bus, too, that John, a taciturn fifth grader, put me down as only a 10-year-old man. How did he like the bus? I asked, "Fine." Why did he like it? "Because I live too far from school to walk."

In Evanston, I saw the bus used as a tool of integration.

"We used to have a unique situation here," Edward C. Pate, the black principal of College Hill School, told me. "There was one Evanston bus—all black—and one Skokie bus—all white."

"I redrew the bus routes so now any child can ride either bus—both go through both communities. That lets friends ride together and uses the bus to help make integration work instead of to bring about segregation."

When I rode Mrs. Josephine Taylor's bus—where youngsters chose seats with obvious disregard of color—I saw the effect of the change. Still, white youngsters got off first in all-white Skokie, and by the time the bus crossed the "great divide," a sanitation canal into Evanston, its riders were all black.

In Riverside, Calif., integrated schools are under detailed, before-and-after scrutiny in

a research study headed by Prof. Jane Mercer of the Riverside Branch of the University of California.

Among first reports from more than 500 parent interviews was an appraisal of attitudes toward busing after three years of it: "Over-all," the report says, "about one-fourth of the parents reported problems resulting from busing, both in 1967 and 1969. Seventy-five percent reported no additional problems. There was little difference between the responses of parents of younger and older children."

In 1967 and 1969, the report showed, busing appeared to generate special problems least for white parents and most for Mexican-Americans, with blacks somewhere in between.

If one school system makes the bus an integrating device, others that I visited use a great variety of other innovations, or plan to do so, to assist desegregation.

In Pontiac, Mich., where desegregation has been delayed by appeal of a court order, construction is under way on a \$6-million downtown "human resources center."

Nicknamed "Child City," this mammoth structure on a 14-acre urban-renewal site will be basically an "educational park." It will replace at least two and possibly four aging core-city schools, half predominantly white and half heavily black, and will provide learning space for about 1,400 youngsters.

The center also will house pre-school, collegiate and adult-education facilities; special quarters for teaching the handicapped; citywide health, welfare and recreation services and a theater, restaurant and gymnasium.

Scheduled for at least partial opening next September, the center is unique because it is the first joint school-community facility to receive federal aid—\$1.2 million from the U.S. Department of Housing and Urban Development.

In Denver, Colo., the Metro Denver Urban Coalition, as a pilot project that will be expanded if it works, will establish "advocate committees" at 20 schools.

Formed of interested citizens who know a school and its surrounding community, the specially trained committee will give parents or children an "advocate" to turn to if they believe that they have been unfairly treated at school. Advocates will also be available to aid those who are merely unaware of procedures in Denver's school system, which is reluctantly desegregating.

At another Longfellow School, in the poorest area of Riverside, Calif., Principal David Tew, working with parents and teachers, has developed the LASER program—"Learning Achievement Through Saturated Educational Resources."

Supt. Ray Berry believes that Tew, 39, white, who heads a school that is 23 percent black and 30 percent Mexican, may have hit upon "the big step forward that takes us to a new plateau."

In three subjects considered of key importance—language arts, mathematics and, somewhat surprisingly, physical education—Tew's faculty has developed sets of step-by-step, "bite-size" learning goals.

In Tew's "spiral curriculum," these goals are of increasing difficulty. Teachers assess each pupil's individual needs, group together those with the same problems and thus can report each child's progress to his parents in a new and supposedly more understandable way.

In Gary, Ind., the nation's first experiment with turning an entire school over to a private educational contractor on a "no progress-no payment" basis is under way at all-black Banneker School.

Although this contract with Behavioral Research Laboratories (BRL) of New York, N.Y., and Palo Alto, Calif., was supposed to make Banneker so attractive that white par-

ents would send their children there, it failed to do so. The 700 Banneker pupils in the project are all black or "Latin," according to Supt. Gordon L. McAndrew.

Gary, a steel-milling town known for its black mayor, Richard Hatcher, is 60 percent black, 10 percent Latin and 30 percent white.

McAndrew, who has desegregated his faculty, has not attempted to do the same with students. "We would need massive two-way busing to do it effectively and neither the black nor the white community wants it," said McAndrew, 44, a North Carolina educator, who is highly regarded by other members of his profession.

The "performance contract" with BRL nearly caused a strike by Gary's 2,100 union teachers, who contended that it constituted a multiple violation of their contract. They called off their strike at the last minute.

Most of the educators I interviewed told me it is too early to judge long-range effects of desegregation on youngsters' schoolwork and attitudes.

Supt. Fred Stahuber, in Union, N.J., said that preliminary studies showed "much higher" attendance by blacks bused under the desegregation plan, plus some evidence that they were doing better on achievement tests. "At least," he said, "it's not going the other way."

"Principals tell me the attitude of black youngsters is beginning to change—they are more positively oriented toward schools and less aggressive," Stahuber said. So far, he noted, integration has had "no negative effect in any way, shape or form on white kids."

Critics of Pasadena, Calif., integration claim that Berkeley's integrated schools have suffered a drop in reading scores. But, Berkeley Supt. Foster said that scores continue to rise—although white youngsters progress faster than blacks. The school board has taken a number of actions (previously reported in this series) in an effort to counteract this, Foster said.

Just coming out of the computers are the results of perhaps the most extensive study of the effects of integration—Prof. Mercer's three-year research on 1,776 Riverside youngsters. The study examines about 120 different items reported by the students and their parents, classmates and teachers.

So far, Dr. Mercer will say only that one year is too soon to observe significant change after integration. However, she says that after three years, "They're not standing still—changes are taking place."

If my visits to a sampling of schools in a half-dozen states provide a mixed picture of what is going on in desegregation, the future is doubly uncertain, since it depends so heavily on what the Supreme Court will say about purportedly de facto racial isolation.

Certainly this survey has shown that Northern and Western schools can make desegregation work if they want it to. The survey also has shown, as a Denver attorney put it, that "when you have a majority of school board members who really want integration to fail, it's an easy thing to bring about."

Federal civil-rights enforcers—in both the departments of justice and health, education and welfare—cite the tremendously difficult and time-consuming work of proving that what may look like chance segregation actually results from some official act, perhaps long past, and therefore is subject to federal intervention.

The cost of maintaining segregation was mentioned by Neil Sullivan, the man who desegregated Berkeley schools and who now is Massachusetts education commissioner.

He told Minnesota Sen. Walter Mondale's Committee on Equal Educational Opportunity last summer that school boards like those in Los Angeles and Denver "expend

untold sums of money and effort in the courts to justify their refusal to provide equal educational opportunity.

"I have served as witness in both cases and assure you that thousands of children in these two cities would be receiving better education today if monies spent by these boards in fighting school desegregation had been directed instead to implementing it," Sullivan said.

Perhaps the most telling observation about integration was made by U.S. District Judge William E. Doyle in Denver.

"There is no assurance," he said last May, when he ordered Denver's desegregation, "that the program here prescribed will fully succeed."

"It's success will depend in large part on the effort which is expended—and on the spirit in which that endeavor is carried out."

THE FUTURE FOR INTEGRATED EDUCATION

In school integration as in most other controversial social issues, leadership is the key to progress, and lack of leadership leaves a vacuum for an onrush of reaction. This seems to be the single most important finding in the "Schools and Race" series last week by Richard P. Kleeman of The Tribune's Washington Bureau. Leadership helped achieve successful integration in Berkeley, Riverside and Evanston. Lack of leadership or outright resistance is adding to problems in Denver, Pontiac and Ferndale.

Most public officials today are either seeking to avoid the issue or trying to capitalize on public fears. At the national level, President Nixon campaigns for the neighborhood school in a veiled thrust against integration. Yet, Mr. Nixon's own school desegregation statement of last March cited research showing that integration improves the quality of education. At the local level, Minneapolis Alderman Mark Anderson seeks state legislation to outlaw mandatory busing for racial balance. Anderson talks of desegregated housing as a means of gaining a better racial mix in the schools. Yet, Anderson voted against the city's open-housing ordinance in 1967.

Even the most ardent integrationists have to admit that such a political climate makes school integration difficult to achieve under any circumstances. It is not surprising, then, that few northern cities, large or small, have been doing much to correct racial imbalance these days except under court orders. The few cities that have integrated their schools voluntarily are mostly university towns, and they did so earlier when the climate was more favorable.

The ultimate fate of northern-style school segregation, therefore, seems to lie with the U.S. Supreme Court, which is expected to rule on the issue next year. Whatever the court's ruling, however, we do not think educators and citizens in Minneapolis or elsewhere should give up the effort to achieve truly open schools. Kleeman's series and other studies indicate that a fully integrated school system works to the benefit of students of all races. While some parents fear school integration, all parents favor quality education, and true quality cannot be attained in a segregated educational system.

AMERICAN PRISONERS IN NORTH VIETNAM—A CHRISTMAS REMINDER

Mr. GURNEY. Mr. President, at the present time there are 461 American's POW's and 1,105 American MIA's in Vietnam. They are suffering untold torture and inhumanity daily. I deplore this humiliation of our men, the suffering of their families and the anguish to our country.

As we once again enter the holiday season of Christmas, I think it only proper that we take time from our daily routine to remember these individuals. It has been brought to my attention that the Orlando Sentinel recently published an article describing a project which a Mr. Malcolm Breeze of Orlando initiated. Mr. Breeze, himself an ex-POW of World War II, who started the State Chapter of American Ex-Prisoners of War, Inc., is attempting to bring attention to the tragic POW problem. He is asking newspapers across the Nation to carry the following familiar phrase with a timely addition:

There are — shopping days to Christmas. It has been more than — days since the first American prisoner in Southeast Asia has been shopping.

I ask unanimous consent that the article be printed in today's RECORD.

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

FORMER POW TRYING TO RALLY PUBLIC
OPINION

"Here is the crux of the whole thing."

With these words, Malcolm Breeze produced a yellowed, faded postcard. It was 25 years old and had been sent from Krems, Austria, to Cincinnati, Ohio.

The postcard informed Breeze's family that he had safely parachuted from his burning plane and was in enemy hands.

"A prisoner of war," Breeze said, "worries more about his family back home more than you can possibly imagine."

Breeze's imprisonment during World War Two was very different from that of prisoners of war today in North Vietnam. Few messages are being sent by these men. Little news is available about them.

EX-POW GROUP

Breeze was one of 10 Floridians who last March started the state chapter of American Ex-Prisoners of War, Inc. The retired Air Force master sergeant, who lives at 1511 Iowa Place, Orlando, is secretary-treasurer of the organization.

One of the goals of the association—which has about 6,000 members nationally, Breeze believes—is to help obtain more humane treatment for American POWs in North Vietnam.

"The Vietnamese don't believe we care about these prisoners," Breeze said. "We have to get people interested in this problem, to devote a little of their time to it."

"Public opinion," he says, "has been found repeatedly to be the only thing that will have any effect on the North Vietnamese."

Breeze said his treatment as a prisoner of the Germans during World War II in Krems, Austria, was much better than that of Americans now being held in North Vietnam.

XMAS REMINDER

One of Breeze's attempts to bring public attention to this POW problem is through that familiar message, printed in newspapers across the United States, which reads: "There are — shopping days to Christmas."

Breeze is trying to convince newspapers to add this statement to the Christmas shopping day reminder:

"It has been more than — days since the first American prisoner in Southeast Asia has been shopping."

Breeze explained some Americans have been held prisoners for over six years.

"Letter writing to Hanoi can be very effective," Breeze says. "The North Vietnamese are sensitive about their image."

"Our organization is trying to help, by making people aware of what is happening."

UNFOUNDED CHARGES

Mr. HANSEN. Mr. President, I have become increasingly disturbed by the unfounded charges some of our Democratic colleagues have been making about the actions and policies of the administration. One expects our political opponents to take the administration to task when there is just cause, but recently there has been a series of charges leveled against the President which are patently untrue. Those who make such charges are either ignorant of the facts or have chosen to ignore those facts.

Last week one Senator raised a great hue and cry over the fact that the United States had not used any of its helicopters stationed in Vietnam to aid the relief effort in East Pakistan. He suggested that the administration's commitment to aid the disaster relief effort was "suspect" for its failure to use these particular helicopters.

Those of us who have bothered to check into the facts of this situation have learned that there was nothing suspect in the administration's actions. The option of using helicopters from Vietnam was carefully considered and rejected for the very good reason that 2 days of valuable time could be saved by using helicopters shipped from the United States.

Further, it was learned that the Pakistan Government did not want more helicopters at the present time because they could not be effectively used and more deliveries would only complicate a difficult situation. This fact was confirmed by our own mission in East Pakistan.

I should emphasize that these facts were not deep and dark secrets. The Government officials who are working on the relief effort understandably are not anxious to be made to look foolish by the Congress. Any Member of Congress or any member of his staff could have established the true facts of the situation with a simple phone call.

I do not know whether that phone call was made and then ignored or whether it was never made at all. In either case, the result was the same. That segment of the administration which is working hard to provide relief to East Pakistan was unfairly maligned. Once again, the Defense Department was made to look like a bunch of bumbling idiots. I think they deserve an apology.

OVER 1,300 CITIZENS FROM 10
STATES CALL FOR A BIG THICKET
NATIONAL PARK OF 200,000 ACRES

Mr. YARBOROUGH. Mr. President, within the last 72 hours, I have received 15 petitions calling for the establishment of a Big Thicket National Park of some 200,000 acres. These petitions which represent the combined voice of over 1,300 citizens from 10 States will be added to the thousands of other letters, petitions, and telegrams of like support that I have received in the last few months concerning the establishment of a Big Thicket National Park. With this kind of broad-based geographical support, I am sure that it will only be a short time before we finally turn back the army of bulldozers and buzzsaws that devour

over 50 acres of this precious wilderness daily.

Mr. President, I ask unanimous consent that these 15 petitions together with the names of the signers be printed in the RECORD.

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

PETITION

We the undersigned believe and wish that 200,000 acres of the wilderness and virgin forest area described commonly as the Big Thicket be set aside and reserved and preserved as a national park and that these acres be adjoining each other and that as a wilderness area these 200,000 acres be designated as the Big Thicket and that the Big Thicket as a national park be preserved and protected by the laws which govern the protection of other national parks as set aside by acts of the Congress of the United States of America.

PARTIAL LIST OF SIGNATURES

FROM KOUNTZE, TEX.

Archer Fullingim and 45 others.

FROM PENN STATE UNIVERSITY

Constance Rose and 30 others.

FROM DENTON, TEX.

Pat Anderson and 19 others.

FROM CALIFORNIA

Shirley Solomon and three others.

FROM STILLWATER, OKLA.

James Russell and 59 others.

FROM AUSTIN PEAY STATE UNIVERSITY,
TENNESSEE

James Burt and 63 others.

FROM RICE UNIVERSITY

Martha G. Tyler and 26 others.

FROM THE BAHOU ROUGE SIERRA CLUB

Howard E. Bond and 106 others.

FROM EAST LANSING, MICH.

James M. Harner and 43 others.

FROM PRINCETON, N.J.

Mrs. James F. Graves and 56 others.

FROM OAK RIDGE, TENN.

Jim Botts and 20 others.

FROM MEMPHIS, TENN.

Vincent Sheppard and 549 others.

FROM CARSON CITY, NEV.

Irving L. Pressman and 16 others.

FROM COMMERCE, TEX.

John Chambers and 178 others.

MISUSE OF FOOD STAMPS BY
STRIKING WORKERS

Mr. FANNIN. Mr. President, a very costly strike was settled recently when the United Auto Workers Union accepted a new contract with General Motors. It was an unfortunate episode at a time when we already face tremendous economic problems.

The big loser in a major strike is the public—the consuming and taxpaying public. There is inconvenience and ultimately higher prices.

Since the public is the ultimate loser, it is doubly unfair that the public should be expected to help subsidize striking workers.

Union members who go on strike do so by their own volition. They should be prepared to face the hardships and make the sacrifices.

gram from Roy Wilkins be printed at this point in my remarks.

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

Mr. CLARENCE MITCHELL,
Director, Washington Bureau,
NAACP, Washington, D.C.:

We understand the Emergency Education Bill authorizing one billion five hundred million dollars in federal assistance in carrying out desegregation policy will be considered in the closing days of the session. This bill contains two amendments: One, prohibiting the use of any of the funds for the busing of children and two permitting tests of pupils to determine if they shall be entered in desegregated schools.

The NAACP is opposed to both of these amendments and accordingly cannot support the bill of which they are a part. The whole desegregation policy and the court orders thereon would be nullified by the prohibition against busing in cases where that is the only method through which desegregation can be achieved. To allow local authorities to give tests before according pupils the right to education in the unsegregated school system would be to sacrifice the future of little black children to a political maneuver designed to return public education to the status of the period before 1954.

Please advise Senators and Congressman of our stand.

NAACP, New York.

ROY WILKINS.

Mr. MONDALE. Mr. President, Whitney Young of the Urban League has authorized me to say the same thing today. But this administration, claiming to represent the interests of the minorities, claiming to represent those who believe in integration and desegregation, have persisted in this tactic which I believe have destroyed any chance for responsible action in this session of Congress.

The responsibility must rest with them.

Mr. GRIFFIN. Mr. President, will the Senator from Montana yield me 2 minutes now?

Mr. MANSFIELD. Yes, indeed; then I should like to proceed with my remarks. [Laughter.]

Mr. GRIFFIN. The Senator from Minnesota has made a statement which must have a response. He said something to the effect that the administration deliberately placed the House-passed bill on the calendar.

First of all, the administration does not do anything in this U.S. Senate. Senators do. Individual Senators make the motions and take the actions. It may be that the bill was placed on the calendar with the support of the administration. But that is a very flimsy excuse for the fact that the Committee on Labor and Public Welfare has not reported any bill. The administration's bill is, and has been, before the Committee on Labor and Public Welfare. That committee could have responded, and should have responded, by proceeding to report out its own version of the legislation, which would have gone on the calendar. If that had happened, the Senate would now be in a position to consider a Senate Committee bill. But the Labor and Public Welfare Committee did not do that. For that reason, the course taken by the minority leader—placing the House-passed bill on the calendar—was the only course available to assure that the

Senate would at least have the opportunity to discuss in this session the emergency school aid legislation. By moving as he did, the minority leader at least made it possible for the legislation to be called up today.

Mr. MONDALE. Mr. President, will the Senator from Michigan yield briefly?

Mr. GRIFFIN. I do not have the floor.

Mr. MANSFIELD. I yield briefly.

Mr. MONDALE. I am sure the distinguished minority leader knows there was never any doubt that the Committee on Labor and Public Welfare, if it received this bill, would act on it and would have reported out a bill. This is not the case of a committee about which there is some question reporting out a bill on which they were prepared to act. The chairman of the subcommittee, the Senator from Rhode Island (Mr. PELL) made that commitment. The chairman of the full committee, the Senator from Texas (Mr. YARBOROUGH) also made that commitment.

The fear of the administration was not that we would not act, but that we would, and they would be confronted with a proposal that would really deal with this tragic issue.

Confronted with that tactic, they chose to freeze the bill at the desk so that no one could do a thing.

The administration said they would do it. That was what was done, and the record will show where the responsibility lies.

Mr. McCLELLAN. Will the Senator yield for a question?

Mr. MONDALE. I yield for a question.

Mr. McCLELLAN. Do I understand correctly that the House bill, 19446, has not had the benefit of being studied in depth by the appropriate Senate committee, on which the Senator from Minnesota serves so ably?

Mr. MONDALE. That is correct.

Mr. McCLELLAN. Will the Senator yield for a further question?

Mr. MONDALE. I yield for a further question.

Mr. McCLELLAN. I have not read or studied this bill in any depth. However, a cursory reading indicates to me that once again a dual standard is set forth for the North and the South with regard to matters concerning integration. I have had the pleasure of serving on the Select Committee on Equal Educational Opportunity, of which you are chairman. I think it is fair to say that on that committee we have had a great deal of testimony which indicates that there is segregation both in faculty and students in the North, occasioned by official acts which has not yet been challenged by Federal authorities. There are other occasions where a northern school district in a large city is in open defiance of Federal orders and has been for over a year. This bill appears to me to allow some of these districts to receive moneys for token integration programs. Further, it appears to me that this bill would impose additional onerous requirements on the South of increased Federal management of our local schools, without imposing the same requirement upon Northern school districts. I wish it to be clear that I believe that these require-

ments are improper and unwise. We have had a great deal of testimony before the select committee disparaging Federal control of local schools. This testimony has come from people of varying ideologies. Will you, if this bill goes to committee, put forth your best efforts to eliminate governmental discrimination as between the treatment of the North and the South with regard to integration? I ask this question with the full knowledge that you do not chair the Labor and Public Welfare Committee and that you only have one vote; I only ask that you use your best efforts to this end.

Mr. MONDALE. I want to assure the distinguished Senator that I will do all I can to shape a bill that does not contain a double standard. The bill the Education Subcommittee has agreed to already—the bill we hoped to consider in committee with the House bill—does contain a national uniform standard for funding integration. I will continue to work for that goal.

Mr. SCOTT. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I have had my attention called to two items of information which certainly would cast some doubt on the optimism of the Senator from Minnesota.

I have this second hand, but I am advised reliably that the Senator from Minnesota did not have the votes on the committee to get the bill reported out. I assume that if he had them, he would have had the bill reported.

What is even more cogent is that I have discussed the matter within the last 5 minutes with two Members of the House of Representatives who would normally by conferees. It is their opinion that there is no chance whatever of a Senate bill being acted upon if it were to come to the House. It would have less chance than a celluloid dog chasing an asbestos cat through the lower region.

Mr. PELL. Mr. President, the bill was reported by the subcommittee to the full committee. I personally believe—and having been on the committee for 10 years, I have some idea of the matter—that the Senator from Minnesota did have the votes on the full committee, if there had not been prolonged discussion which would postpone the matter. I think that he did have the votes to report the bill out of committee to the Senate.

Mr. CRANSTON. Mr. President, I have long been convinced of the need for Federal financial aid in bringing about meaningful desegregation of our Nation's schools. During the debate on the amendment which would have required application of desegregation guidelines, considered at length in this body earlier this year, I made clear my belief that racial isolation of our school children must be eliminated, and that the Federal Government must support school districts seeking to achieve this important goal by sharing whatever financial costs may be involved in total school desegregation.

I was heartened when the President announced last spring that he would ask Congress to provide Federal dollars to

school districts implementing good-faith desegregation plans. I was disappointed, however, by the specific legislation which the administration subsequently submitted.

By focusing primarily on the problems faced by recalcitrant school districts—which, after 16 years, still have failed to comply with the constitutional mandate abolishing dual school systems—the administration's legislation failed to face up to the severity of racial isolation which persists throughout the country. It failed also to provide adequate safeguards against the misuse of Federal financial assistance.

We well know the tragic consequences of failing to provide such safeguards. As the distinguished Senator from Minnesota has pointed out, there have been frequent, flagrant instances of misuse of the \$75 million appropriated by Congress to help school districts which were under court order to desegregate this past fall.

The House Committee on Education, headed by the remarkably able Representative from Kentucky (Mr. PERKINS), wisely rejected the legislation submitted by the administration. Instead, it considered a bill that provided safeguards against misuse of funds and recognized the national character of racial isolation in our public schools. But that bill was substantially weakened by floor amendments, particularly an amendment prohibiting the funding of voluntary programs involving transportation in de facto segregated school districts. This amendment alone raises serious questions as to whether the House bill can benefit those school districts in my State currently undertaking desegregation efforts.

This is the bill now on our Calendar.

I recognize the importance which the President attaches to the approval by Congress of a measure to assist school districts in meeting the special problems arising from desegregation. So does the Senate Labor and Public Welfare Committee. The distinguished chairman of the Education Subcommittee has held extensive hearings on the legislation originally submitted by the administration. So has the distinguished Senator from Minnesota whose Select Committee on Equal Education Opportunity has explored almost every facet of the problems inherent in racial isolation.

As a result of their efforts, as well as those of other committee members of both parties, the Education Subcommittee has prepared a sound bill which I consider responsive to the problems of racial isolation. As the distinguished chairman of the Labor and Public Welfare Committee has repeatedly pointed out, our committee remains prepared to act on the subcommittee measure. We have not done so because we felt the House-passed bill should have been referred to our committee, as is the usual practice. Instead, the administration had the House-passed bill stopped at the desk.

Mr. President, this action by the administration effectively denies the Senate the opportunity to consider its own bill and to weigh the informed recommendations of its own committee. Given

the difficult and delicate issues involved in the complex problem of racial isolation, I share the concern which the distinguished Senator from Minnesota has expressed so well this morning.

A SUMMARY OF THE LEGISLATIVE ACHIEVEMENTS OF THE 91ST CONGRESS

Mr. MANSFIELD. Mr. President, this is the last day of the year 1970. We are approaching adjournment sine die some day this week. I want to take this opportunity to express my personal thanks to the deputy majority leader, the distinguished Senator from Massachusetts (Mr. KENNEDY), and the secretary of the conference, the distinguished Senator from West Virginia (Mr. BYRD).

I also want to express my personal thanks and gratification to the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), the deputy minority leader, the distinguished Senator from Michigan (Mr. GRIFFIN), and to the other Members of the hierarchy of the Republican Party who comprise the leadership in that group.

Most important of all, I want to express my gratitude, thanks, and appreciation to every single Senator, Democrat and Republican, from the North, South, East, and West, from the Atlantic to the Pacific, for the cooperation and the understanding which they have shown throughout this entire session.

I only hope that this cooperation which has marked the 91st Congress will continue in the months and years ahead to the end that we will all put the country first and the party and our personal successes or lack of them second.

Mr. President, a number of assessments have already been offered of the 91st Congress—its record, its achievements, its failings, and its flaws. I hope that the Senate is of a mind at this time to take one more evaluation from the leadership. One can readily criticize the pattern of Senate performance these past 2 or 3 weeks. That it comes at the end of a long Congress of intense, exhausting and virtually continuous session is easily forgotten. The achievements of 2 years may well be overlooked in the procedural thickets of adjournment. As in other situations, the legislative good is often interred with the bones of an expiring Congress. Praise should neither be sought nor expected for doing what it is our responsibility to do.

Nevertheless, it ought to be said for the historic record that this Congress has coincided with the beginning of a difficult national decade. I think it was sensed at the outset that we would be meeting at the opening of an era of drastic change at home and abroad. The pressure for change has already become very evident in the Nation and the work of the Senate has mirrored it. Almost at the outset of the 91st Congress questions were raised concerning the need to reduce this Nation's antiquated commitments and accumulated involvements abroad, notably those of Vietnam. Heard, too, from the outset were the questions of the neglected needs of the people here at home.

This Congress—the 91st Congress—has played a decisive and fundamental role in setting forth these questions, both domestic and foreign, during the past 2 years. Moreover, the Senate has provided leadership and active participation in the search for answers to these questions.

If we know a little more clearly the dimensions of what now confronts the Nation, the work of the Senate has helped to induce that clarity. If the Federal Government has, at least, begun to move more emphatically against the backlog of national difficulties, whether they be the war in Vietnam, the disintegration of urban life, the needs of older Americans, pollution, crime or whatever, it is due in part to the activities of the 91st Congress. I am not talking about the passage of particular laws. To be sure, many laws have been passed. We do not, however, nor should we, measure the contribution by the number of items that have been run through the legislative computer.

The impact of the Senate and the Congress is to be viewed, more accurately, I believe, in terms of the cumulative impact of this one branch on the course of the Federal Government. The impact is to be seen, for example, in the many-sided efforts which, in the end, produced nearly a \$10 billion reduction in Federal spending in this Congress, largely by cuts in excessive military and overseas activities. Its impact is to be noted in the fact that some of those billions have been rechanneled by legislation into more compelling domestic needs—into education, into health, into the resolution of urban difficulties, poverty, pollution control, and the like. In a very liberate and responsible way, the Congress acted to bring about this shift without contributing further to inflationary pressures. It cut in one place as it added in another. But the overall appropriations which this Congress votes are expected to be less than the administration's requests for funds.

The record of this Congress also includes significant progress in the Senate in revitalizing the role of Congress with regard to foreign relations. The effort was dramatized during the extended debate on the Cooper-Church amendment last summer. To be sure, some found this effort unproductive and time-consuming at best. Some even have labeled it an intrusion on the powers of the Presidency. In my judgment, that is far from the reality. Cooper-Church was a necessary restraint on a pendulum which had swung the control of this Nation's affairs abroad too far away from the constitutional purview of the Congress. In truth, it was a restraint on a pendulum which was moving ever further away even from the control of our elected President. The impact of what was done here, in my judgment, has reinforced the President's desire to withdraw from Indochina. It has been an indispensable initiative, if the spread of our involvement in the war in Indochina was to be halted.

It should be noted that there has been criticism concerning the Senate's treatment of the President's legislative requests. That criticism is hardly that the



MINNESOTA HISTORICAL SOCIETY

Copyright in the Walter F. Mondale Papers belongs to the Minnesota Historical Society and its content may not be copied without the copyright holder's express written permission. Users may print, download, link to, or email content, however, for individual use.

To request permission for commercial or educational use, please contact the Minnesota Historical Society.



www.mnhs.org