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KANSAS NATIONAL GUARDSMEN RETURN HOME

Mr. DOLE. Mr. President, today, December 5, is a proud and happy date in Hays and Russell, Kans., for their soldier-citizens are coming home.

In May 1968 units of the Kansas National Guard were summoned to active duty following the *Pueblo* crisis. Across the State, Guardsmen responded to their Nation's need. They set aside civilian jobs and concerns, and donned the Army green. They said goodbye to loved ones and friends and went away with their comrades to serve America. Duty called, and these brave men answered.

Mr. President, I have had the privilege of personally knowing many of these men and their families for many years. The 995th Maintenance Company has its headquarters at Hays, Kans., and its ranks are filled with men from the surrounding area. I know firsthand what these 18 months have meant to them and their communities. Their sacrifice in terms of time, careers, and emotions has been profound.

The Nation owes a deep debt of gratitude as these men return to civilian life. This debt was not incurred only by what they gave up but by what they gave. While on active duty, the 995th distinguished itself through its dedication, its excellence, and its contribution to the Army's defense effort. Men who one day had been civil servants, businessmen, and laborers, the next day were first-rate, full-time soldiers. They gave real meaning to the National Guard's tradition of readiness.

I regret that our business in the Senate prevents my attendance at the welcoming ceremonies today. But I am also grateful that I may tell the Senate of these returning soldiers.

I wish to express my congratulations and appreciation for the job the 995th has done and to extend best wishes and warm regards as our men resume their civilian lives.

EDUCATION APPROPRIATIONS

Mr. MONDALE. Mr. President, on Monday of this week I had an opportunity to appear before the Labor-HEW Subcommittee of the Committee on Appropriations. I testified before this subcommittee on the tremendous unmet educational needs facing our Nation, and urged them to recommend substantial increases in funding for educational programs at all levels.

Funds for educational programs are sound investments in the quality of American life. I believe that Congress has a responsibility to invest heavily in the children of this country, and I believe that fuller and more adequate funding for vital educational programs is the place to begin.

I ask unanimous consent that the testimony I presented to the Appropriations Subcommittee be printed in the RECORD.

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

STATEMENT OF SENATOR WALTER F. MONDALE

Mr. Chairman and Members of the Committee, I am honored to have this opportunity to present my views on needed increases in appropriations for vital education programs. The H.E.W. Appropriations Bill, as passed by the House of Representatives, contains a vitally needed increase of \$1 billion over the Administration's budget request for education but still falls short of meeting the human needs of this nation. I recently made a statement on the Senate floor expressing my opposition to reductions in funds for medical research and related programs—a statement which reflected the deep distress felt by Minnesota's outstanding medical community concerning the drastic reductions in federal support of medical research and improved health delivery services. Therefore, I will focus today upon the need for appropriations increases for elementary, secondary and higher education.

I feel strongly that this nation is falling behind in its quest for quality education and adequate health services while frantically scrambling to escalate a questionable race toward higher and higher expenditures for military and space programs. The Senate must correct this imbalance, and the H.E.W. appropriations bill is the most appropriate vehicle for attacking this problem.

I would suggest that we may be asking the wrong question when considering appropriations for programs designed to meet human needs. We traditionally ask, "Can we afford to . . . ?" I would suggest that we should ask, "Can we afford not to . . . ?"

Or to state it another way, we look at human needs and do whatever we think we can afford at the time. In contrast, in our firm desire to reach the moon in the 1960's, we established a national goal and resolved that we would, without question, provide the resources to achieve that goal.

I am fully aware of the fiscal constraints we are facing as a nation. My point is that we are reacting to these constraints in the wrong way—in a manner which does not reflect the over-riding human needs of a nation in turmoil. I would hope that we in the Senate, and particularly those who serve on the Appropriations Committee, could view appropriations not in the light of what we can afford in the traditional sense, but in answer to a more critical question: What will be the ultimate cost to the individual and to the society of the unrealized potential of millions of under-educated children and adults; of years of inequality of educational, social and economic opportunity; of neglected dropouts; of poorly prepared teachers; of alienated youth?

Quality education is truly an investment and not an expense. At a time when the nation's school systems are facing a severe financial crisis, the federal government must respond. In this regard, I have taken two major steps within the Education Subcommittee of the Committee on Labor and Public Welfare in recent weeks. First, I have called for the creation of a prestigious National Advisory Commission on School Finance to study the school fiscal crisis. This Commission would be required to report to the President and the Congress within two years its recommendations concerning the proper federal role in financing education in partnership with state and local government. Secondly, I have introduced amendments to S. 2218, the bill to extend the Elementary and Secondary Education Act of 1965, which would increase annual authorizations for a number of selected ESEA programs. These include Title I (programs for the disadvantaged), Title II (library resources), Title III (innovative and exemplary programs), Title V (strengthening state departments of education), Title VIII (dropout prevention), and

selected programs funded under the Vocational Education Act of 1963. I also supported enthusiastically amendments introduced by the distinguished Senator from Texas, Mr. Yarborough, which would increase annual authorizations for ESEA Title VI (programs for the handicapped) and ESEA Title VII (bilingual education).

Before commenting upon specific programs which I consider most deserving of appropriations beyond those provided in the House bill, I would like to stress three subjects of particular interest to educators in Minnesota. These include forward funding, full funding, and the illusion often created when we appropriate the same amount for a given program from one fiscal year to the next.

The uncertainty created by a lack of forward funding in most E.S.E.A. programs is undoubtedly one of the most frustrating aspects of federal aid programs. Little has to be said of the problem created for a local school district which does not know what federal funds it will have available until half of the school year has passed. The dilemma faced by the administrator attempting to attract staff to a federally funded project under these circumstances is self-evident. Minnesota educators for whom I have great respect, such as John Davis and Donald Bevis of Minneapolis and Gregory Waddick of the State Department of Education, have described the negative impact of our present uncertain funding pattern upon the recruitment and retention of personnel for federally-supported programs and upon sound long range planning. The ultimate losers are, of course, the children for whom federal funds are appropriated. On their behalf, and on behalf of the taxpayer seeking maximum return on his investment in education, I urge the Appropriations Committee to do everything within its power to place federal programs of aid to education on a forward funding basis. As you well know, this has been done to some extent with Title I with great success. The concept should be extended to as many programs as possible.

Another concern is the lack of full funding—the large gap between program authorizations and actual appropriations. This gap raises unrealistic expectations on the part of those who are looking to the Federal Government for assistance. Our failure to deliver what we promise creates widespread disillusionment and uncertainty concerning our will to implement the excellent authorizing legislation which now exists. I believe that the major shortcoming of the Congress in education has been our inability to fund programs at levels which even approach our own authorizations.

This problem is particularly severe, as you know, in education. Programs administered by the United States Office of Education have been funded at less than forty percent of authorization. In sharp contrast, our space program is funded at ninety-nine percent of authorization and military procurement at ninety-two percent. I ask that this Committee do all it can to close the appropriation-authorization gap in the fiscal 1970 budget.

My third concern is the false impression often created when programs are continued from one fiscal year to the next at the same appropriation level. In such instances, we are not maintaining the Federal commitment, as is often implied. In the face of rising costs and growing enrollment, programs funded at the previous year's level are, in fact, undergoing a marked reduction in operational capacity. In most programs, it takes an increment of from ten percent to fifteen percent to stand absolutely still. The appropriations bill passed by the House includes a number of examples of this reduction in our commitment to the schools of the nation.

Before turning to specific programs and

recommending increased appropriation levels, I would like to commend and support the action of the House of Representatives in adding nearly \$1.05 billion to a totally inadequate Administration request for education funds.

VOCATIONAL EDUCATION AND IMPACT AID

I was particularly pleased to note the favorable House action which added \$209.5 million to the Administration request for the critically important area of vocational education. These funds will enable our dedicated vocational educators to develop imaginative, relevant programs suited to the demands of a rapidly changing society. The unique Work Opportunity Center Program of the Minneapolis Public Schools demonstrates what can be achieved by creative vocational educators.

I was also pleased to note that additional funds were appropriated under the impacted aid program. Public Laws 815 and 874 provide badly needed financial support to many Minnesota school districts.

However, despite the House increases, appropriations for many other key programs are inadequate. Programs which I consider particularly deserving of further appropriations increases include the following:

ELEMENTARY AND SECONDARY EDUCATION

Title I, ESEA. I strongly endorse the action of the House in adding nearly \$171 million to the request of the Administration for fiscal 1970. The resultant appropriation of \$1,396,975,000, however, still stands in sharp contrast to the 1970 authorization of \$2,359,554,470.

The Fourth Annual Report of the National Advisory Council on the Education of Disadvantaged Children had this to say about the level of Title I funding:

"The Council is distressed at what appears to be a weakening federal commitment to the education of disadvantaged children. This is best evidenced by the \$68 million cutback in funding of Title I from \$1.191 billion last school year to \$1.123 billion this school year. *This cutback, combined with the continuing increase in the cost of education, results in an estimated \$400 million less for disadvantaged pupils in local schools this year than was available in the first year of the program.*

We are deluding ourselves if we think we can make an impact on education of the disadvantaged without providing the necessary resources. . . . *The Council, therefore, recommends that the Executive and Legislative Branches move as quickly as possible to close the gap between the Title I appropriation and the authorization. . . .*

I urge the Committee to fully fund Title I by adding \$962.6 million to the House appropriation.

Title II, ESEA. I applaud the action of the House in adding \$50 million to the Administration budget request, which included no funds at all for this program which has done so much to provide library and audio-visual resources for the schools of America. I urge the Committee to add \$5 million to the House figure (which is identical to the 1969 appropriation) in order to sustain our commitment at last year's level of actual purchasing power.

Title III, ESEA. This program, which has sparked major educational innovations in thousands of school districts, deserves far greater support than that requested by the Administration or that provided by the House. The appropriation now stands at \$164,876,000, identical to the 1969 figure. Again this appropriation stands in sharp contrast to a 1970 authorization of \$566.5 million. At a time when our educational system faces unprecedented demands for change and renewal, Title III is one of the few sources of financial support for the imaginative and innovative educator. I urge the Committee to add at least \$50 million to the

House appropriation for Title III, an action which would still leave this Title funded at less than one half of its authorization.

Title V, ESEA. This program of aid to state departments of education has been funded by the House, in agreement with the Administration budget request, at the 1969 level of \$29.75 million. The President's Task Force on Education stated:

"Along with any movement in the direction of 'designated block grants' should go the use of Federal resources to strengthen state departments of education. We therefore strongly recommend an increase in the funding of Title V of ESEA under which grants are made for this purpose."

If the Congress is seriously considering the possibility of shifting more administrative and program responsibility for elementary and secondary education programs to the states, it is incumbent upon us to help build a state capability to administer federally financed programs with maximum imagination and efficiency. I would therefore recommend that Title V be funded at \$40 million, fifty percent of its \$80 million authorization.

Title VII, ESEA. The House, in concert with the Administration budget request, has increased the 1970 appropriation for bilingual education programs to \$10 million from its 1969 level of \$7.5 million. I commend this action, but appeal for additional funds for expanding bilingual programs to serve American Indians and Mexican Americans and to develop programs of special language instruction for children living in deprived areas.

I urge the Committee to fund bilingual education programs at the full authorization level of \$30 million.

Title VIII, ESEA. The Administration requested that \$24 million of a \$30 million authorization be appropriated for dropout prevention programs for fiscal 1970. The House drastically reduced this request to the 1969 level of \$5 million. In view of the potential of this Title to deal with the frightening social implications of neglect of the school dropout, and in response to the many proposals which the Office of Education has been unable to fund, I urge the Committee to fund this program at the \$24 million level initially requested by the Administration.

Higher Education

Two related activities deserving of increased appropriations are the Education Professions Development Act programs and the Teacher Corps. Commenting on the E.P.D.A. programs, the President's Task Force on education stated, "The Education Professions Development Act of 1968, of which Teacher Corps is a part, is an excellent piece of legislation. We recommend that other titles of it also be funded at a higher level." The report went on to say, "We believe that the Teacher Corps has demonstrated its value and are strongly in favor of seeing it continued at a higher level of funding."

Education Professions Development Act programs (exclusive of Teacher Corps) are supported at the 1969 level of \$95 million by the House action in exact compliance with the Administration 1970 request. This program, designed to improve the quality of America's teachers and administrators, is authorized at a level of \$445 million for 1970. Again, we see a stark contrast between authorization and appropriation—between promise and delivery—between what must be done and what we are willing to do. I urge the Committee to approve a \$200 million appropriation for E.P.D.A. programs in 1970.

Teacher Corps, which has been an outstanding program—one which serves the disadvantaged while encouraging promising young persons to enter the teaching profession—will receive \$21.7 million under the House bill in contrast to the Administration's budget request of \$31.1 million and an authorization of \$56 million. I urge the Committee to approve full funding of this outstanding program for fiscal 1970.

STUDENT ASSISTANCE PROGRAMS

Undergraduate Student Assistance Programs. As a member of the Education Subcommittee of the Committee on Labor and Public Welfare, I have been particularly interested in student assistance programs. Present programs, while very commendable in their intent, fail to meet the needs of thousands of young Americans who have the ability to attend our colleges and universities. Present appropriations fall far short of institutional requests and legitimate student need for assistance. Recent action taken by the Senate and House in approving the Conference Report on H.R. 13194, the Insured Student Loan Emergency Amendments of 1969, provided a federal subsidy to encourage the expansion of the guaranteed student loan program, and increased the authorization levels for several other important student aid programs. These new levels approximate very closely actual institutional requests and Office of Education estimates for 1970. I would, therefore, urge the Appropriations Committee to respond to this unquestioned need by appropriating funds in accordance with these new authorization levels.

Specifically, if each of these programs were fully funded, an additional \$60 million would provide 125,000 more Educational Opportunity Grants; an additional \$96 million would provide nearly 150,000 more National Defense Student Loans; and an additional \$121 million would enable nearly 250,000 students to participate in the College Work Study Program.

SPECIAL STUDENT AID PROGRAMS FOR DISADVANTAGED STUDENTS—TALENT SEARCH, UPWARD BOUND, AND SPECIAL SERVICES IN COLLEGE PROGRAMS

These programs, all designed to encourage and assist disadvantaged students to take advantage of the educational opportunities which this nation makes available to the more affluent, are of major importance to the future of this nation and should be funded at the highest possible level. The authorization for these programs is \$56.7 million. I believe these highly promising programs deserve full funding.

The Talent Search program, funded at a \$4 million level in fiscal 1969, has been increased to \$5 million by the House for fiscal 1970, in accordance with the Administration request. I recommend that this program receive an appropriation of \$8.5 million for fiscal 1970—the Office of Education estimate to the Department and a figure which would represent a significant beginning in meeting our commitment to identifying the latent academic talent among our disadvantaged youth.

The Upward Bound program has been funded at \$30 million in the House bill, representing a slight increase over the 1969 appropriation of \$29.8 million. I urge the Committee to fund this program at a level of \$35-\$40 million.

The Special Services in College Program, which has never been funded, received an appropriation of \$10 million in the House bill. I urge the Committee to support that appropriation level for this promising program.

College Teacher Fellowship Program. Despite a growing undergraduate and graduate enrollment in our colleges and universities, the Administration and the House have seen fit to decrease appropriations for this program from the 1969 level. The \$70 million appropriated in 1969 has been reduced to \$56.1 million by the House in the 1970 bill and is not being appealed by the Administration.

The President's Task Force on Education expressed deep concern about the supply of college teachers, pointing out that new starts in predoctoral fellowships had decreased dramatically in recent years. New starts in predoctoral fellowships totaled 15,000 in

1966-67; 13,913 in 1967-68; 10,950 in 1968-69; and an estimated 9,675 in 1969-70. The report stated, "Unless this trend is reversed immediately, the supply of Ph. D.'s in all fields but particularly science, four to six years hence may decline seriously. We urge the Administration to give this problem early attention."

I share this concern and urge the Committee to increase the appropriation for the College Teacher Fellowship program to \$75 million, a figure which represents the departmental request to the Bureau of the Budget.

PROGRAM ASSISTANCE TO HIGHER EDUCATION

In a recent meeting with Minnesota college presidents and their representatives, I heard firsthand of the plight of the college and university as it attempts to absorb the impact of a burgeoning student enrollment.

Programs authorized by the Higher Education Act, which were singled out by Minnesota educators as particularly in need of increased appropriations were Title III (Strengthening Developing Institutions), Title VIA (Undergraduate Instructional Equipment and Resources), and Title X (Improvement of Graduate Schools). Each of these was identified as a program which required better funding if the institutions were to begin to meet ever-increasing demands.

The program for strengthening developing institutions, Title III, had an authorization of \$35 million in 1969 and received an appropriation of \$30 million. The House bill provides identical funding for 1970. But for 1970 the authorization for this program has doubled, and I urge the Committee to double the appropriations for this program as well—to a level of \$60 million.

The Administration and the House have provided for no appropriation at all for the purchase of undergraduate instructional equipment and other resources under Title VIA. I find it difficult to believe that a program authorized at the level of \$70 million by the Congress is deserving of absolutely no funding. Yet this is the situation as the appropriations bill now stands. This is particularly appalling in view of the growing importance of quality higher education. I urge the Committee to match the 1969 appropriation of \$14.5 million.

Title X programs designed to improve graduate schools received no appropriation in 1969 and are apparently going to receive the same in 1970 according to the request of the Administration and the House bill. Again, we have a program authorized by the Congress (at a level of \$5 million) which is not a reality because no funds have been appropriated. I urge the Committee to fully fund this program with an appropriation of \$5 million.

Before closing, I wish to register my strong opposition to Section 407, the Student Unrest Rider to the H.E.W. Appropriations bill. I believe that Section 504 of the Higher Education Amendments represents a more adequate approach to student unrest and strongly recommend that it be given a fair test. Adopting repressive measures is not the answer—measures which would punish our institutions of higher learning through the extreme measure of cutting off Federal financial assistance.

I also oppose Sections 408 and 409 of the appropriations bill, the so-called Whitten Amendment. I believe that this amendment would seriously jeopardize the progress being made in school desegregation across the nation. The potential implications of this amendment, particularly in view of the recent Supreme Court decision prohibiting further delay in desegregating the schools, are frightening. Any legislative action which will impede progress in this area or which would further polarize America as it attempts to resolve its racial conflict should be rejected.

ATTACK ON WARREN COURT BY U.S. LEFT

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Washington Post on December 3, 1969. The article, written by Joseph Alsop, is entitled "Warren Court Attacked Again, This Time by the U.S. Left." The article makes extremely entertaining reading.

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

WARREN COURT ATTACKED AGAIN, THIS TIME BY THE U.S. LEFT (By Joseph Alsop)

Once again, the unspeakable has been spoken, the unmentionable has been mentioned, the unsayable has been said. This is a remarkable event; and if one looks ahead, it is probably a major political portent.

To be specific, the "Warren Court" was under bitter, sustained attack from the right from the time of the school desegregation decision, in 1954, until Chief Justice Earl Warren laid down his judicial robes. But now the Warren Court, and almost all its works and ways, have been sharply, cogently and powerfully attacked from the left.

The attacker is a brilliant contributing editor of "The New Republic," Professor Alexander Bickel of the Yale Law School. Furthermore, the two greatest monuments of the Warren Court, the school decision in *Brown vs. Board of Education*, and the so-called "one-man-one-vote" decision, are the principal targets of Bickel's criticism.

Bickel first spoke out when he recently delivered the Oliver Wendell Holmes lectures at the Harvard Law School. Vague reports of this remarkable lecture series thereupon caused a good deal of apprehensive flutterings in the inner dovecotes of American liberalism.

Far more widespread, acrimonious and public debate is bound to be touched off, however, by Bickel's forthcoming book, "The Supreme Court and the Idea of Progress." This is an expanded version of the Holmes lectures, complete with all the critical apparatus required by a major work of legal theory of the most serious possible character, which this book unquestionably is.

The thrust of the book is expressed in a single pungent sentence, as follows: "The Warren Court's noblest enterprise—school desegregation—and its most popular enterprise—reapportionment—not to speak of the school prayer cases and those concerning aid to parochial schools, are heading towards irrelevance, obsolescence, and, in large measure, abandonment."

A newspaper column is no place to try to recapitulate the kind of careful argument on which Professor Bickel bases the foregoing conclusion. It is enough to say, rather crudely, that Bickel finds that the school desegregation decision has not worked very well thus far, in a practical sense. And he further holds, obviously correctly, that *Brown vs. Board of Education* runs directly counter to the rising demand of black militant leaders for "black community control" of Negro schools.

As to the one-man-one-vote decision, Bickel's objections are even harder to summarize, in a few words. But one of them is certainly his opinion, again obviously correct, that the main beneficiaries of the resulting reapportionment are bound to be the ever-growing white suburbs, while the increasingly black center cities will lose leverage proportionally.

To the sentence already quoted, Bickel adds the observation that "if this assessment has any validity, it must be read as a lesson." The lesson he seeks to inculcate is that the courts in general, and the Supreme

Court in particular, are most imperfect instruments of social and political reform—however desirable such reforms may be. He would therefore have them leave reform, in almost all cases, to the elected members of the state legislatures and the Congress.

This reporter is wholly unqualified to discuss, much less to pass upon, the complex and profound constitutional issues that Bickel has raised. They were already being raised, before his retirement from the court by Justice Felix Frankfurter. They are now being raised, in certain specific cases, by Justice Hugo Black. That is all a reporter can properly say about the issues themselves.

The political meaning of Bickel's book is something else again, however. Against the Warren Court and all its works, the ranks of the American rightwing have always been solidly arrayed, as above-noted. But this book represents the first significant break in the ranks of the American left. There is now division, just where the Warren Court always obtained its strongest support.

One must say "the first significant break" because, of course, the black militants' demands for "community control" were also a break of another kind. The arguments for the so-called demonstration school projects in New York City, for instance, might have been made to order to support George C. Wallace's approach to the school problem in the South.

But when a man of Bickel's stature openly breaks the former liberal-intellectual solidarity on this matter there is no foretelling the final outcome. It is only clear that a new phase has opened.

RELEASE OF ISRAELI HOSTAGES BY SYRIA

Mr. WILLIAMS of New Jersey. Mr. President, I am happy to report to the Senate that the two Israeli civilians who have been held hostage by Syria for over 3 months, following the hijacking of a TWA flight last August, have been released. The Embassy of Israel has verified that they are on their way to Athens at this moment.

Although all the facts are not available as of this moment, I am sure all Americans join in expressing our warm "mazel tov" to these two Israelis and to their families. For them, a very trying 3 months has ended.

I also wish to share with Senators the joy expressed by Mrs. Joseph Dayan of Phillipsburg, N.J., sister of one of the hostages. When I met with Mrs. Dayan and the wives of the two hostages in October, I was deeply moved by their plea that the world not forget these two men.

Let us hope that their release reflects some possibility for peace in the Middle East.

ASSESSMENT OF PRESENT STRENGTH OF VIETCONG

Mr. GURNEY. Mr. President, this morning's Washington Post contains an article, written by Joseph Alsop, which is most timely, interesting, and exciting. It deals with the present morale and effectiveness of the Vietcong guerrilla effort in the Vietnamese war. Alsop states that President Nixon sent the Englishman, Sir Robert Thompson, to Vietnam to assess the present strength of the Vietcong. Sir Robert was the man who directed the successful British defeat of