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the participation I have taken in agri-business companies." On another occasion he said, "Nostalgically we still look at agriculture as a way of life but agriculture is now big business." Both his recent remarks and his economic ties reflect his belief that the future shape of rural America should be domination of our agriculture and control of our land by the largest corporations.

As Governor of Wisconsin, I am extremely concerned about the effect the agricultural policies of Earl Butz would have on the farmers of our state. It is obvious that he plans to reign over the demise of the small family farm both in our state and throughout the nation. It is equally obvious that under his regime huge corporate farming will grow to such proportions as to threaten the very existence of rural America as we know it today. Therefore, I urge you to reject the nomination of Earl Butz as Secretary of Agriculture and approve in his place a man more suited to represent all sectors of agriculture in our society.

Sincerely,

PATRICK J. LUCEY,
Governor.

CHILD DEVELOPMENT

Mr. MONDALE. Mr. President, the St. Paul Dispatch recently carried an excellent two part series on day care-child development by Ann Baker.

This very thoughtful series points out both the need for day care in society today, and the dangers of purely custodial settings. It elaborates on the many differing views surrounding the idea of "child development" and early childhood education, and reviews the changes being made in licensing requirements.

Mr. President, at a time when the Congress is considering the day care-child development provisions contained in S. 2007, this informative review of the entire preschool proposal is very timely.

In order to give my colleagues an opportunity to read them, I ask unanimous consent that these two articles by Ann Baker appear at this point in my remarks.

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

PRESCHOOL MOVEMENT "BROAD, DEEP, CONFUSED"

(By Ann Baker)

In the next 10 to 15 years nearly every child will be going to preschool. That is one thing most people who give the subject any thought agree on. And just about the only thing.

The day care and nursery school movement, which has blown up like a storm across America in the last couple of years, followed educators' discovery that little children are not simply raw material of the future, creatures to be fed and clothed and cuddled.

Today infants and toddlers are known to possess tremendous capabilities to see, to hear, to learn and to want to learn, almost immediately after birth. The first six years of life are widely conceded to be the most crucial, not only in bodily growth and emotional adjustment but also in mental development. Those are the root years. Nourish the roots properly, and the rest follows . . .

But from there the ideas and talk spread out in hundreds of different directions, varied according to one's view of children, family life and the whole society.

Basic urges for freedom compete and overlap with desires for order, women's liberation with family stability, professionalism with democracy, private enterprise with public aid.

The whole preschool movement is broad, deep and confused.

Some say that is its beauty—that early childhood "specialists" cannot afford to be single minded, and for that reason nursery schools have influenced elementary schools to try "open" classrooms and hire paraprofessional staff.

Some even accuse the preschool establishment of becoming already too static, in spite of its diverse, multi-disciplined approach, its habitual dissatisfaction with old methods and constant experimentation with new ones.

How broad and deep the movement runs can be judged from the list of research projects the federal Office of Child Development (OCD) has drawn up for as priorities for grants in 1972.

First item is day care, developing model all-day programs that stress learning.

Second—child advocacy, protecting the rights of children and guiding those in need of help to the proper services.

Ways to combat and prevent racism in young children comes next, followed by research on: parent education, substitute fathers, mixing children of different social and economic backgrounds, effects and uses of TV, reforms in institutional care, finding homes for hard-to-adopt children and ways to provide emergency help for children in traumatic home situations.

Just as day care is the Number One study priority of OCD, so too has it become a big concern of the National Association for the Education of Young Children, a 20,000-member organization that was originally interested only in the educational aspects of nursery schools and kindergartens.

At the association's annual conference next week in Minneapolis more than a dozen sessions will concentrate on day care alone; dozens of others on related issues.

Reasons for the national fascination with day care are clear, and they do not necessarily reflect the interests of children themselves.

Day care has come to be seen as the enabling quotient for women's liberation and the employment of welfare mothers . . .

As a potentially large job market for people ranging from junior high dropouts to PhDs in search of research projects . . .

As a big business on the verge of a boom. Two months ago Barron's financial paper advised Wall Street: Daycare "promises to be where the rewards are."

Rewards for the kids, however, are pretty doubtful, unless care goes beyond the juice and crackers, TV and nap kind of thing which up to now has been the chief offering for most of the country's children whose mothers work.

Some teachers and psychologists who have been leading the crusade for an "educational component" contend that without it day care can be disastrous.

They were heartened last month when both houses of Congress passed a comprehensive child development bill (sponsored in the Senate by Minn. Sen. Walter Mondale) which, if implemented, will provide substantial federal sums for day care that includes learning.

But exactly which classroom techniques best produce learning is an open question, even to the educators.

"What's stimulating to one (child) may be noise to another or it may be simply background that isn't heard," as University of Florida child psychologist Ira Gordon puts it.

Preschool teachers usually approach the curriculum question by using an eclectic method called "planned variation," meaning they take a particular technique and vary it with certain elements of another.

Today there are few purist Freudian, Montessori, cognitive or reward-and-punishment approaches being used: in most cases each

"school" has been eager to explore what the others have to offer.

And that is the main reason why University of Minnesota's Institute of Child Development director, Willard Hartup, maintains "The best schooling available in the U.S. for the last 50 years has been in nursery schools."

PRESCHOOL MEETING SET FOR 5,000 PEOPLE

Some 5,000 members of the National Association for the Education of Young Children are expected to attend the group's annual conference next week in Minneapolis.

Speakers will include California experimental school director Herbert Kohl, Wisconsin early childhood professor David C. Davis, New York human resources administrator Jule Sugarman, Philadelphia attorney Lois Forer, federal Office of Child Development director Edward Zigler and Minnesota Sen. Walter Mondale.

More than 250 talks and workshops are scheduled for the Nov. 3-6 conference in three hotels, the Radisson, the Leamington and the Pick-Niccollet. The object, say organizers, is to encourage extensive group participation.

Reservations are being taken by the conference chairman, Mrs. Erna Fishout, 430 Oak Grove, Minneapolis.

YOUNG CHILDREN CAN LEARN

(By Ann Baker)

It's not easy to pin down the techniques used by nursery school teachers. As they grow more and more aware of the unique traits of each child, so do they jealously defend the uniqueness of each classroom method.

They're skittish about being categorized. A word like "structure" is a no-no. It can mean rigidity to one person, flexible guidelines to another. Even "teach" is a dangerous word, sometimes interpreted as stuffing information at random into kids' heads, sometimes meaning guiding their development step by step through a series of increasingly complex activities.

But for all the various approaches and their combinations and permutations there are trends.

Currently most teachers have been moving away from the stress of a decade ago on emotional and social growth to an emphasis on intellectual growth—language stimulation, classification, numbers, how one looks at the world.

Probably the most popular man in preschool circles is Jean Piaget, the Swiss psychologist famous for his theories of how children come to reason, think and learn language in certain sequences, beginning in the cradle.

"We're going to broaden our notions of what education at this age means," says Willard Hartup, director of the University of Minnesota's Institute of Child Development. "It's possible we never provided kids with all they can use to become productive later on. Today we're much more convinced that young children can learn and do more than they've ever done."

Dramatic learning experiments with babies have opened up another area for speculation. Programs to help parents find the best ways to draw out their youngsters' curiosity and ability are also promised support by the Mondale bill for comprehensive child development.

Some educators, though, have reacted against what they feel is a danger of "pushing" children too hard, too fast. They cite the case of a little girl who was taught to read when two and a half years old. When she was 4 she was interested in little else than reading, had poor hand coordination and was baffled by questions like "What is wet?"

Where the balance may be struck will no doubt again be open to continuous reevaluation.

Minnesota state regulations contingent on granting daycare licenses are presently be-

ing revised by committees of nearly 100 persons, most of them child care professionals.

The proposal they are working from is far more explicit than current regulations, particularly in its stress on ideal goals." Namely that day care should be educational.

Licensing in the past, says the proposal, has often led to minimal programs. From now on, the training and temperament of supervisors must be looked at as closely as the safety and hygiene of the building. Licensing staff must make efforts to help the applicant make his program be what it should, and the program must be reexamined yearly.

The proposal would require day-care operators to plan activities with the children, "encouraging them to share their experiences, by stimulating conversation, for example, during snacks and meals, and by expecting each child to take certain responsibilities . . .

"An opportunity should be given to participate in small and large groups as well as individual activities . . . The content of the program must be rich and varied," and include opportunities for parents to watch and participate and for staff to continue their own training.

Licensing itself is under debate. Some charge it takes too long (usually at least six months) to get a daycare license. Some challenge the need for regulations at all. Many feel regulations are necessary but should not be under the jurisdiction of the welfare department, which they say makes day care seem "a welfare thing."

The education department, which many would like to see take over the responsibility, is in turn viewed by others as representative of the same rigid approach to learning they have struggled to oppose.

Regulations governing programs that get federal aid are also under revision, and there is talk of states, whose licensing requirements vary considerably, meeting to arrive at some kind of uniformity.

Who should run preschools? Private entrepreneurs claim they can do the best job, saying competition will pressure them to provide quality. Others argue that it's impossible to create a quality program for profit at fees the average family can afford.

Some groups believe programs should be run by parents, with the idea that only they have the right to choose and direct teachers who will meet their children's needs.

Again, many nursery schools and day care centers operate under a variety of sponsors, public, private and consumer. Continuing variation and coordination is encouraged under the Mondale bill.

Final conclusions will not emerge from next week's conference of preschool educators in Minneapolis. For every answer suggested at the 250 sessions there will no doubt be dozens of new questions. Preschools, like their pupils, are in the crucial exploratory stage of growth.

THE NOMINATIONS OF LEWIS F. POWELL AND WILLIAM REHNQUIST TO THE SUPREME COURT OF THE UNITED STATES

Mr. McCLELLAN. Mr. President, it is my judgment that the Senate should consent to the nominations of Mr. Lewis F. Powell, of Virginia, and Mr. William H. Rehnquist, of Arizona, to be Associate Justices of the Supreme Court of the United States, and I take this opportunity to share with my colleagues the reasons behind this judgment.

A special genius of the American people has been a commitment to the rule of law, not of men, and a special focus of that commitment has always been on

the Supreme Court of the United States. The Senate, therefore, fulfills a sacred duty in advising and consenting to the nominations submitted by the President for the Nation's highest court.

In considering these pending nominations, three issues face us:

Do these nominees have personal integrity?

Do they possess professional competency?

Do they have an abiding fidelity to the Constitution?

In my opinion, no Senator has a duty to vote to confirm any nomination forwarded by the President that cannot pass muster under this threefold test.

I settled upon these criteria only after reaching certain basic conclusions on the proper role of the Senate in the process of selecting Supreme Court Justices.

Article II, section 2, clause 2 of the Constitution states that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint—Judges of the Supreme Court." The question thus arises as to what extent the framers intended the Senate to play a part in the appointment process in cooperation with the Executive?

Turning to Madison's notes on the proceedings of the Constitutional Convention, it seems abundantly clear that the Senate was intended to serve an active role in the process. Indeed, during the entire period of controversy over the method of appointment for the Supreme Court Justices, the dominant view seemed to support an alternative proposal that would have placed authority exclusively in the Senate. The final language agreed upon was the result of a compromise, which was clearly not intended to reduce the legislative part in the process to a minimum. See generally, Farrand, *The Records of the Federal Convention of 1787* (1937). The Federalist papers confirm that an active and independent role for the Senate was envisioned. *The Federalist*, Nos. 76 and 77—*Encyclopaedia Britannica*, edition 1952, at 225, 226.

In Hamilton's words, the Senate was to have the duty to reject nominations, where there were "special and strong reasons for the refusal," and this power of rejection was meant "to restrain" the President from making nominations founded in "favoritism," "family connection" or "popularity," or of "unfit characters" generally. *Id.* at 226.

Hamilton's views were shared, too, by our earliest and most respected commentators on the Constitution. See, for example, Stony's "Commentaries on the Constitution," sections 1527-31—fifth edition 1891.

In light of the foregoing, I believe that the tripartite inquiry which I suggest is in keeping with the Senate's mandate under the Constitution.

After deep consideration, I have resolved each of the three questions in the affirmative with regard to both nominees and will now consider each in turn.

With respect to the personal integrity and professional competency of Mr. Powell, the record before us speaks eloquently of him. First in his law class,

one of the leading lawyers of the State of Virginia, former president of the American Bar Association, the American Bar Foundation, and the American College of Trial Lawyers, Mr. Powell is truly one of the finest lawyers of our contemporary legal community.

The hundreds of attorneys contacted by the Standing Committee on the Federal Judiciary of the American Bar Association had the highest possible praise for Mr. Powell's integrity and abilities. A significant number of lawyers and judges stated that Mr. Powell would be their first choice for appointment. I quote the conclusion of the Standing Committee:

It is the unanimous view of our Committee that Mr. Powell meets, in an exceptional degree, high standards of professional competence, judicial temperament and integrity and that he is one of the best qualified lawyers available for appointment to the Supreme Court.

As to the personal integrity and professional competency of Mr. Rehnquist, it seems equally clear that this man, although relatively young in years, is also above suspicion and of exceptional intellectual and legal ability. Throughout his career, excellence, and nothing short of it, has been the mark of his achievements.

Elected to Phi Beta Kappa, graduated first in his law school class, selected as a clerk to former Supreme Court Justice Robert Jackson, Mr. Rehnquist early approached the law in a decidedly grand manner.

As a private practitioner, he was a person of recognized honesty and professional quality, highly regarded by members of the bench and bar.

Since 1969, the nominee has served as Assistant Attorney General for the Office of Legal Counsel. The basic assignment of the Office of Legal Counsel is to assist the Attorney General in discharging his function as the legal advisor to the President and his Cabinet. Thus, it can be said of the nominee that in point of fact he is, in the President's words, "a lawyer's lawyer."

In his capacity as an Assistant Attorney General, the nominee has appeared before Congressional committees on numerous occasions to present the Administration's position on various topics of legislative concern. A review of the records of these proceedings reveals that at all times he has conducted himself forthrightly and in an informed manner, in the loftiest traditions of advocacy.¹

¹Hearings before Subcommittee No. 3, Committee on the Judiciary, House of Representatives, on H.R. 11031 and H.R. 11032, Sept. 25, 1969, 91st Cong., 1st Sess.; Hearings before Subcommittee No. 5, Committee on the Judiciary, House of Representatives, on S. 1508, Mar. 3, 1970, 91st Cong., 2d Sess.; Hearings before Subcommittee on Constitutional Amendments, Committee on the Judiciary, U.S. Senate, on Proposed Statute to Lower Voting Age, Mar. 10, 1970, 91st Cong., 2d Sess.; Hearings before Subcommittee on Improvements in Judicial Machinery, Committee on the Judiciary, U.S. Senate, on S. 1506, Apr. 9, 1970, 91st Cong., 2d Sess.; Hearings before Committee on House Administration, House of Representatives, on