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one (of the officers) for my Constitutional rights. He said, 'Nigger, I'm going to give you your constitutional rights, your marching rights and your civil rights,' and that's when he kicked me and the rest of them commenced to beat me with blackjacks and billy clubs and started kicking me and stomping me."

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

HATE GROUP REEMERGES

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

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

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

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

THE DEATH OF WALTER REUTHER

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

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

He said a few months ago during the South Carolina hospital workers' strike: Black is beautiful. White is beautiful. But the most beautiful of all are white and black together.

That was the spirit of brotherhood and compassion which guided Walter Reuther's life. And that is the spirit in which we must continue.

Our entire Nation will mourn the loss

of both Mr. and Mrs. Reuther and the companions who died with them in the tragic airplane crash. My deepest sympathy goes to the surviving family members, and to Mr. Reuther's special friends in the labor movement.

WHATEVER HAPPENED TO THE BILL OF RIGHTS?

Mr. MONTROYA. Mr. President, we must understand that recent waves of student protest have by and large been a reaffirmation of the right to disagree. Because most of these young people accept what we have taught them, they have sought to tell us of their deep disaffection with the expansion of an endless war. It must not be forgotten that the cause of all this very vocal disagreement was the actual widening of the war in Vietnam into an Indochinese conflict. The students did not go out on strike across the land, mainly peacefully, just for a lark. They were provoked by the purposeful expansion of the war by their Government. There have been excesses, to be sure, on both sides. Yet we must keep in sight the fact that the overwhelming majority of these young people have sought to express their disenchantment with the administration's widening of the war through legitimate means of disagreement provided for under the Constitution of the United States.

I do not want our youth to lose faith in legitimate forms of protest. We should not ignore the causes of such dissent and pretend it does not exist. These young people are the ones whose generation is called upon to fill the ranks. They are the ones who must sacrifice the most in a physical sense. We must recognize that we are destroying our own credibility by not listening to their pleas—for that is what most of their protest really is all about.

A group of law students at the University of New Mexico Law School has succinctly put their position in the form of a statement. I ask unanimous consent that it be printed in the RECORD.

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

FROM A STATEMENT BY A GROUP OF LAW STUDENTS AT THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW

Deeply disturbed at the implications of the events at Kent State University, we the students at the University of New Mexico School of Law feel that we can no longer remain silent and only hope that our concern is not too late. Believing that in this moment of crisis, failure to state a position approaches criminal neglect, we must state our beliefs.

There is evidence that many political leaders and a significant portion of the nation's populace view dissent as somehow harmful or evil by its very nature. But our heritage is the right to free speech and assembly. If the right is to survive for us all, it must include the right of a person to express unpopular views without fear of government repression. The events at Kent State seemed to show that freedom of speech has been gravely abused, and that government power has also been gravely abused, with devastating results. The first amendment to the con-

stitution does not condone violent exercise of the right of free expression. Neither is excessive force in the suppression of violence permitted. The wisdom of free expression without violence is again demonstrated when death is the alternative.

Existing tension among the universities, the communities and the governments which support them has been severely aggravated by situations which should not have been allowed to develop. Existing channels of communication, including administration and student government, have been neglected. On the occasion when existing channels have been used, the reaction of campus administration generally has been insufficient to meet legitimate requests of socially conscious students. Requests have become demands, and demands have become unreasonable, to the point where communication in any real sense is crumbling. Government has added to the polarization by statements further alienating the moderate here-to-fore concerned with legitimate goals. The radical argument that present communication is worthless is becoming more attractive as each reasonable demand is refused. The weapon of the radical is violence, and if society is to avoid violence, it must answer the radical argument, not contribute to its effectiveness.

Existing lines of communication must be used by both sides with increased effectiveness and with open minds. Arguments on both sides must be evaluated on their merits, not based on the character of the speaker or personal prejudice. Violence in the exercise of first amendment rights must be avoided, and the training of governmental forces to quell violence must emphasize the very great danger of overreaction. Because of student response to troops on the campus, all reasonable measures short of their use should be exhausted before this drastic step is taken.

If existing or new means of communication do not begin to work, and very soon, the tragedy of Kent State will be repeated until the university as a source of new ideas will be destroyed. We must recognize that narrowing of the right of student dissent goes to the heart of the fundamental right of free speech for us all.

OMICA AND RUDY JUAREZ, A NON-VIOLENT WAY TO EQUALITY

Mr. MONDALE. Mr. President, as chairman of the Subcommittee on Migratory Labor, I have been following closely the careers of emerging leaders among the migrant and seasonal farmworkers and their families.

In this regard, I was pleased to see that the Washington Post of Sunday, April 26, 1970, contained a feature article by reporter Bruce Galphin on Rudy Juarez and OMICA. Like other farmworker leaders throughout the Nation, including Cesar Chavez of the United Farmworkers Organizing Committee, Juarez is devoted to nonviolence as the only method of achieving self-dignity and the respect of others.

OMICA—Organized Migrants in Community Action—is the community organization that Juarez has developed in Florida with the assistance of hundreds of fellow workers and church and labor leads. It is concerning itself with helping migrants deal with State and Federal assistance agencies on issues such as housing, food programs, and health care. It advises laborers on their work rights; it tries to resolve grievances; and, it attempts to overcome discriminatory practices. OMICA is also organizing to ob-

tain coverage for farmworkers that have for so long been excluded from basic social and worker benefit and protective legislation.

I think this kind of community organization, in which migrants themselves are asserting themselves for the solution of their own problems should be encouraged, not discouraged; stimulated, not repressed. We must be aware that every day that we perpetuate the second class citizenship of farmworkers, the greater the strain we place on the commitment to nonviolence to which the members of OMICA have dedicated themselves.

Mr. President, I ask unanimous consent that the article from the Washington Post of April 26, 1970, and the concluding remarks of Rudy Juarez in testimony before our subcommittee last June be printed in the RECORD.

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

OMICA: A NONVIOLENT WAY TO EQUALITY—
"WE WANT LAWS TO LET US STAND UP ON OUR OWN"

(By Bruce Galphin)

HOMESTEAD, FLA.—A movie producer probably would not cast Rudolfo Juarez as the leader of a revolution. He's a little too chunky for a mountain guerrilla role; he's generally sunny-tempered; and while he can work up some ardor speaking about the plight of his people, his voice generally is calm and quiet.

But at 31, Rudy Juarez is the emerging champion of one of America's smaller minorities—the 140,000 or so laborers who pick tomatoes and cucumbers in South Florida most of the year, then follow the crops north in late spring.

Some refer to him as "the Cesar Chavez of the Florida migrant workers." And while Juarez is not, like the leader of the California grape harvesters, talking now about unionization or boycotts, he shares with Chavez a belief in nonviolence and a determination to earn the respect of others for his people.

The question among the migrants, most of them Spanish-speaking Americans, is whether change will come through Juarez' peaceful revolution or through violent pressures applied on the system by young militants calling themselves Los Chicanos.

These young people, numbering in the hundreds, are bitter about the treatment of their parents and themselves. Many of the men are military veterans, trained in the use of firearms and explosives, and ready, some say, to use them.

EAGLE ON A BERET

For now, the Chicanos are wearing the eagle emblem of Juarez' OMICA (for Organized Migrants in Community Action) alongside the Chicano pins on their brown berets, and working with OMICA in common cause. But both groups know they may part company somewhere down the road.

"I don't know," said Juarez; "when I was working in the fields, I'd listen to my father. But these kids don't listen any more. They say 'This is the way it's going to be.'"

Juarez is a second-generation migrant worker whose family followed the crops across the country from Texas.

"I never stayed in one place long enough to complete my education," Juarez recalled. "I was in 13 schools and got to the third grade."

Juarez married when he was 15; he and his wife have seven children.

NORTH AND SOUTH

Juarez moved to Florida in 1954 and soon was locked into the routine of migrant farm

laborers there: About 8½ months on South Florida truck farms, then north in May or June for another 3½ months.

He might never have broken out of that rut, he says, except for "some very helpful VISTA volunteers. They were telling me about a different kind of world, telling me about beaches, telling me about amusement parks . . . there are people here who don't even know there's a beach over there. All they know is the road from Texas and the camp where they're put."

Soon thereafter, Juarez became an investigator for an OEO-funded private agency called South Florida Migrant Legal Services.

ORGANIZED IN SECRET

His work with the legal service, Juarez said, "gave me time to learn and gave me courage."

During his time with the legal service, Juarez and some friends began organizing the migrants. That was 3½ years ago, and they worked for more than a year in secrecy, because association with any organization that had even the hint of a union could cost a worker his job.

OMICA, which is not a union, is concerning itself with helping migrants deal with state and federal assistance agencies, insurance companies, and occasionally police courts; advising laborers of their work rights; trying to resolve grievances of workers against their bosses; and lobbying for legislation that would extend minimum wage and workmen's compensation protection to migrants, and make it easier for them to own decent homes.

It costs \$1 to join OMICA, and \$6 a year for dues. About 4000 workers are listed as members, and only part of them are regular dues-payers.

The strength of the organization, however, Juarez contends, is not in actual membership, but in the respect it has gained among the workers—in the number of people who manage to slip word of trouble in the fields to OMICA representatives.

OMICA's only office is an abandoned store in the little town of Homestead, about 30 miles southwest of Miami. On the glass of the front door is painted a dark hand clasping a light hand in a handshake, and the legend "razas unidas"—races united.

FOUNDATION GRANT

OMICA's financial base is a grant of \$17,500 from the Field Foundation. The money is supplemented by dues, church donations and funds raised from fiestas.

"We don't like to stay in the office," Juarez said. "We spend most of our time out in the camps and out in the fields."

Several of his associates came and went, from the office some just listening, others joining in for a while—Joe Alexander, a former labor contractor; James (Jaime) Baldwin, who is sort of office manager; Inez Figueroa, a brown beret Chicano from Tampa; an OEO worker; a radio engineer, others.

Periodically the talk was punctuated by migrants reporting their problems: a child injured at school who had been turned away by a hospital and had to be driven for nearly an hour to a free clinic; a man whose truck had been damaged in a collision and needed help with his insurance papers; an old man baffled by the bureaucratized Spanish of a federal agency; a mother who reported "there were 13 scorpions under my baby's bed."

"It's not charity we want," Juarez says. "We want laws to let us stand up on our own two feet."

"The Congress of the United States is well aware of our problems. No more surveys need to be made."

WHAT MAKES A RESIDENT?

Because of their yearly movement, it is difficult for migrants to establish themselves

as legal residents of Florida. "We're here 8½ months a year. A rich man can go to Mexico for six months of the year, and he's still a resident. But a Chicano is gone only 3½ months, and he's not," Juarez said.

Housing is a persistent woe. Few workers can afford to hold a house or apartment during the summer months when they are away. When they return in the fall, there is always a scramble.

In a typical work camp, a family pays \$24 a week for a two-room unit—one room 10-by-14 feet and the other 6-by-10 feet, with the nearest running water several hundred feet away. Juarez says:

"We need low-cost housing—individually owned homes. Not just someone coming in and saying 'here they are.' We need to participate in the planning and have the say-so, so we can learn about these things . . ."

"We need to be able to negotiate with the farmers, to buy food and homes, to stay in one place and get better-paying jobs."

The threat of mechanization haunts the migrants. There already are mechanical bean-pickers, and there are rumors of machines for harvesting tomatoes and cucumbers.

Many workers would like part-time "regular" jobs but poor education is a barrier, and so is discrimination.

NO JOBS FOR 23

An OEO worker said he recently helped 23 brown people prepare applications for jobs at a new department store. None was hired.

"If you're a migrant, you will always be a migrant," Juarez declared. "And if you're brown, you're a migrant."

"The migrant people are a very peaceful people," Joe Alexander said. "When they are hungry, they don't break in a store. They don't steal money. They just tighten their belts."

"We don't want to destroy property. We don't want to burn the boss' house. But there's a militant in everybody."

"Would they rather have us get our people together," Juarez asked, "and fight and see who has the most guts? Is this what the United States wants? This is what I'm afraid of."

"I'm not afraid," said Figueroa, fingering his brown beret.

EXCERPTS FROM STATEMENT OF RODOLFO JUAREZ BEFORE THE SENATE SUBCOMMITTEE ON MIGRATORY LABOR, JUNE 10, 1969

Mr. Chairman, members of this subcommittee, of all things I have said I hope you have paid attention. With all my heart I have presented some of the problems that have existed since past generations and continue to exist to this day. I have lived them, experienced them, and suffered them. This is not hearsay. I am sure that others have told you the same things I have spoke about. Some of you have seen them with your own eyes. We have no reason to lie for we have nothing to loose for we have never had anything. Those who have spoken against us, have because of profits, others for their own personal gain, some have, because they, too, suffer and really don't understand who is to blame and because they misinterpret our needs to charity they tend to be against us.

But more and more people are joining together and soon there will be enough people to keep men in power who will make, pass and enforce laws that will be fair and equal to all Americans, just as there will be enough people to bring down those in power who are favorable to one group only because of personal gain.

Therefore, discriminatory legislation practices should continue no more. The migrant worker should be covered by the National Labor relations act with additional favorable rights as well as workman's compensation laws, unemployment compensation, insur-

ance laws, Social Security, must be enforced and reinforced. Housing code laws should also be enforced to improve the conditions of housing provided to him. Programs such as housing loans, small business loans which the migrant has never heard about until others who have recently come into this nation.

Let's stop worrying about other nations and do something about our own. Do something about the migrant so he can pull himself out of this repeating cycle.

The men who are in power must fight hard to make real changes in society and society's laws. Change all discriminatory laws and attitudes. The men who are in power must help the powerless to gain power and all rights entitled to him. Bad programs of the establishment must be eliminated for good programs. Those which dispute the powers that be and fight for the poor must be maintained and encouraged in their activities.

If the poor are not given extra encouragement and help in gaining power over their own lives, and influence into the general society in order to eliminate poverty; if the governments, local and national, do not respond to the real needs of the poor through traditional processes, the poor will find other ways to make their needs known and to gain power.

WALTER REUTHER, A MAN OF CONSCIENCE

Mr. PELL. Mr. President, with a deep feeling of sadness I mourn the death of one of the great men of this century, Walter Reuther, president of the United Auto Workers.

While Walter Reuther was probably best known as a courageous and effective leader of the country's largest labor unions, his greatness rested not in the pay raises he secured, but in his acute sense of social conscience which made him ask both unions and management to look beyond the simple pocketbook issues of our time to a concern for brotherhood and peace. He was a deep thinker and a fine man.

In this time of national doubt and moral questioning, the spirit of Walter Reuther will be sorely missed. I know I shall.

SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be equally taken out of both sides.

The PRESIDING OFFICER (Mr. GRAVEL). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SCOTT. Mr. President, we have before us the nomination of the Honorable Harry A. Blackmun, who is now a member of the U.S. Court of Appeals for the Eighth Circuit, a position for which he was confirmed by the Senate in 1959.

Judge Blackmun has the rare distinction, among other distinctions, of meeting with the complete approval of all of the judges of his circuit, with the applause still ringing in his ears of the members of the bar who have practiced before him during his service on the bench, with the encomiums of those of all different races who have appeared before him in difficult civil rights cases, for example, and who have said that no matter what the judge's decision, be it for them or against them, they have always felt him to be a fairminded, a just, an able, and a competent judge.

Judge Blackmun is a scholar. He is a man of notable compassion, a man of saving humor, a diligent man who has earned for himself the respect of his community.

He has served in his community of Rochester, Minn., as an adviser to the Mayo Clinic. His contributions to civil life have been numerous. He has come before us with no known and no heard-of objections whatever to his advancement to the highest Court of the land.

I interviewed Judge Blackmun. I made public statements that in view of the length of time that was taken to fill this vacancy, I would not announce my own decision as to whether I would vote for Judge Blackmun or not until I had completely satisfied myself in every way in which it was possible to do so, in depth and through an examination of the record.

Mr. President, I have done that. I am satisfied. I am convinced that Judge Blackmun is well qualified for this position on the High Court.

I do not know what his judgments will be. If they are like the judgments of other Judges on the Supreme Court, there will be many a time when I personally will not agree with them.

I do not know whether he will end up as a strict constructionist or a loose constructionist, because I do not know which is which in some opinions. What I do know is that each matter that comes before Judge Blackmun will be decided by a man whose head is filled with knowledge of the law, whose mind is imbued with wisdom, and whose heart has been touched by the infinite sadness of the injustices which are embodied so often in the course of the legal process and end with the necessity for a decision.

It is said that "upon knowledge is a house builded and with wisdom shall its chamber be filled with all pleasantness and beauteous riches."

I think that saying illustrates the kind of understanding which Judge Blackmun has.

I do not suppose there has ever been a time when understanding, tolerance, and a feeling and a reciprocating of the feeling of this Nation and the trust this Nation has in its High Court has been better exemplified than by this designation.

This is a good man, and the Supreme Court needs good men. This is a wise man, and the Supreme Court needs wisdom. We could use a little here from time to time. It is always welcome. I am sure it will be welcome on the Court.

I believe that this appointment will re-

fect credit upon the administration, upon the Court, upon the bench, and upon the bar.

This appointment illustrates that while good judges may be hard to find, they are around and they are available. And this appointment indicates that the system works. The system works sometimes with interruptions, but it works. And I am glad of that, because today we hear voices all over America saying, "The system does not work. The establishment has failed us."

And then some of them blame the outcome of their first, early encounters in life on the establishment. The establishment is no more nor less than the society. It is no more nor less than the organism which exists to protect men from each other and from their excesses.

That is why the Supreme Court exists. The Supreme Court is not only the court of last resort, but also of less guess. It exists because men can be protected from their own excesses, from their own tendencies toward evil, and it is a means by which may be channeled its own tendencies—I would not call them residual, but those other tendencies—toward good which exist within the human structure.

Mr. President, I am not going to give up on the system because the system at times falters, because we are bound at times as Members of the Senate to make the most difficult kinds of decisions.

But I feel better about the system when I talk to men like Judge Blackmun because I think the system needs men of honor and of integrity, such as he is; it needs men of scholarly zeal, such as he has; it needs men of articulate capacity and it needs that understanding and compassion which soften the difficulties surrounding the attempts which the system makes to adapt itself to the security of people, to the needs of people, and above everything else, as I said, not only to protect people against each other but also to enable them to continue to live one with another within a societal relationship which can become at least tolerable.

So I use the nomination of Judge Blackmun, in a sense, as a springboard to release some of my own concerns. Those concerns run very deep. I think here in the Senate we should plead for some understanding of the difficulties which confront us and our desire to do what is right, and to find a proper course in our deliberations; and as the chaplain said yesterday, "To contend without being contentious; to disagree without being disagreeable." We must seek somehow to respect what is so disturbing to our people in this country, particularly our young people, and to convince them that even though they cannot always agree with what we are doing, at least we are proceeding from honest motives and a decent regard for their great and deep distress.

Therefore, Mr. President, with a great deal of pleasure I join in advocating the confirmation of the nomination of Honorable Harry A. Blackmun. Here, indeed, is a good and honorable judge. The Senate is to be congratulated. It has this opportunity to vote this afternoon upon his confirmation.