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## SCHOOL DESEGREGATION

Mr. MONDALE. Mr. President, last week it was reported that the Nixon administration is considering softening the school desegregation guidelines. These reports deeply disturbed me, and a number of other Senators in both parties, who have in recent months been urging the administration to support the existing guidelines, and to continue the established practice of fair and firm implementation of the school desegregation program.

The tragic consequences of any softening of these desegregation guidelines were clearly spelled out in an editorial in this morning's issue of the Washington Post. The editorial, entitled "A Double Standard for Desegregation," states very accurately that a relaxation of the desegregation deadline "will have rewarded those who have held out the longest and humiliated those who have argued to their white southern brethren the necessity and advantage of going along with the law."

Mr. President, I ask unanimous consent that this editorial, a copy of the letter I sent President Nixon last Friday protesting any move to soften the school desegregation guidelines, and my statement on school desegregation guidelines be printed in the RECORD.

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

A DOUBLE STANDARD FOR DESEGREGATION

"He told us that he was going to do more for the underprivileged and more for the Negro than any President has ever done." The remark was made by Hobson Reynolds, head of the Negro Elks Organization, upon emerging from a meeting between half a dozen Negro leaders and President-elect Nixon in January, a short while before the inauguration. Since that time it has become plain that anything Mr. Nixon might have had in mind in the way of domestic programs with a price tag, would have to yield to the pressures of a costly war and an overheated economy.

One would have surmised, however, that this circumstance would put an obligation on the President to affirm his good faith in other ways. It hasn't quite turned out like that. On the contrary, where civil rights of the admirably old-fashioned, cost-free, constitutional kind are concerned, the only signal the Administration has emitted clearly is one of internal confusion and weakness. The most ordinary move in the execution of laws on the books becomes, somehow, the subject of an endless political debate within the Administration; decisions are fought over where none are required to be made, since the statutes and court interpretations of them already exist; and—incredibly—there is even some movement toward undoing the body of law that has been so painstakingly built up in the past few years by Republican and Democratic legislators alike. The Voting Rights Act of 1965 is in jeopardy. Now we learn that there is terrific pressure within the Administration to reinterpret a Supreme Court ruling affecting HEW's enforcement policies under Title VI of the Civil Rights Act of 1964—which is to say, the school guidelines.

If the Administration really means to slip the autumn of 1969 deadline which has been set for compliance with the terms of what was after all a 1954 Supreme Court decision, it will have done a number of things. First it will have established two sets of standards for desegregation of schools in the South: one judicial standard and one which is more lenient fixed by itself. It will also encourage those several hundred Southern school districts that are in the reluctant process of yielding at last to a Court ruling more than fifteen years old to try to renegotiate their plans. It will have rewarded those who held out longest and humiliated those who argued to their white Southern brethren the necessity and advantage of going along with the law.

The social ordeal of the South will go on for a long while; but the legal tests in this

matter were nearing an end. A show of weakened resolve in Washington can only prolong the agony and create more disruption than it can possibly contain.

JUNE 20, 1969.

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I am extremely disappointed to learn that the Administration is considering softening the school desegregation guidelines. I have followed the Title VI school desegregation program very closely over the past few years, and have in recent months been critical about certain statements and actions of the Administration with respect to this program.

My criticism ceased, however, when Secretary Finch stated clearly and unequivocally on several occasions recently that the current school desegregation guidelines are going to be enforced. I applauded the Secretary for his statement in an April 21 press conference that "the guidelines which are in existence are going to be enforced," and when he endorsed the existing guidelines more specifically in a letter of May 8 to Senators Williams (N.J.), Eagleton, Hughes, Cranston and myself. The Secretary wrote that:

"The law is clear, and so is our responsibility to enforce it. We are continuing to require school systems which have failed under freedom of choice plans to abolish discrimination to adopt a more meaningful and effective method which will accomplish the task by the fall of 1969. We shall allow delays beyond that date only where there are substantial impediments, such as the need for new construction. This is in accordance with the policy followed by the previous Administration. I believe it is important that the Title VI program maintain the momentum that has been established. . . ."

This position must be supported clearly and firmly. The school desegregation program is at a critical point, and any suggestion of change, uncertainty or vacillation will destroy the progress in recent years, and be a breach of faith with the school districts that have voluntarily come into compliance.

As one who is deeply concerned about the fair and firm enforcement of civil rights programs, I urge you to clarify this ambiguous situation by publicly announcing that your Administration will support the current school desegregation guidelines.

Sincerely,

WALTER F. MONDALE.

STATEMENT OF SENATOR WALTER F. MONDALE ON SCHOOL DESEGREGRATION GUIDELINES

The commitments of this nation to black school children in the South are long overdue. Since the 1954 Supreme Court decision in *Brown* v. *Board of Education,* southern school districts have been obligated to end school segregation and to disestablish dual school systems. Yet 16 years later, equal educational opportunity is still not a reality for the great majority of black children living in the South.

Despite this fact and despite long delays of Southern school districts to come into compliance with Title VI of the Civil Rights Act of 1964 and the continuous mandates of the courts, the Nixon Administration is reportedly now planning to give still more time to foot-dragging school districts not to comply by softening the school desegregation guidelines. Reportedly, the Administration is considering either eliminating the 1969–70 deadline for ending the dual school system and/or reinterpreting the Supreme Court's *Green* decision requiring school boards to come up with desegregation plans that promise realistically to work *now.*

The principles governing school desegregation have been firmly established in law, administrative and educational practices since enactment of Title VI of the Civil Rights Act of 1964. To change, formally or informally, the school desegregation guidelines at this point will do irreparable harm to black and white school children in the South who are entitled to an integrated quality education, to the cause of integration in the nation, to the moderate, law abiding white Southern leadership who have attempted to comply with the law, and to the tenuous remaining confidence of many black leaders and black citizens in the ability and willingness of the Federal Government to honor its commitments to them—commitments promised since 1954.

Those school officials who have been the most vocal against the guidelines are the very ones who have done the least to comply. Their contention that it is impossible to comply with the guidelines is false and belied by the hundreds of districts who have complied. Moreover, their bad faith should not be now rewarded with Federal capitulation which justifies their foot-dragging stance and undercuts progress already made in other law abiding school districts.

HEW officials estimate that 1,016 school districts have completely eliminated the dual school system since September of 1965. Another 234 are scheduled to complete the process this Fall, and another 96 have approved HEW plans to eliminate their dual school systems in September 1970. While many of these school districts experienced little difficulty in complying because they are small or have relatively small numbers of black students, a large number of this group are substantial districts with large numbers of black students. Leadership and a firm stand by Federal and local officials is the key to the progress in these districts.

(Attached is a more detailed memo which gives specific examples of some school districts in the South who have achieved substantial desegregation).

School districts with good desegregation plans already approved by HEW are moving now to renegotiate such plans in view of the 1970–71 desegregation plans developed by HEW in 21 South Carolina school cases under court order. Aiken, South Carolina, which has a 33% black student population, which is 35% desegregated this year, and which has a good plan, has withdrawn its plan and is now attempting to negotiate a 1970 plan with HEW. Another South Carolina school district, Chester County, which has a 48% black student population and is presently 35% desegregated, has also notified HEW that it will not deliver on its 1969–70 plan to completely eliminate the dual school system. This kind of action represents the trend. It is encouraged by HEW's lack of firmness. Further changes by HEW and the Justice Department at this point can only erode the hardwon progress of a decade, reward lawlessness and say clearly to minorities that the Nixon Administration will disregard their needs.

At a time when we hear great cries for easing spending in our domestic programs, great talk of inflation, and see the slashes in budgets of our domestic programs, the least this Administration can do is to enforce existing laws where no great outlays of money are required. To do less is to do nothing. To do less is to subvert the law. To do less is to encourage bitterness. To do less is to rob tens of thousands of black and white school children in the South of an opportunity to have a decent, good, integrated education and to learn together in preparing for this country's future.

## A DRAFT PROPOSAL

Mr. BOGGS. Mr. President, William Prickett, a very perceptive lawyer from Wilmington, Del., has written an article about the draft in the June issue of the American Bar Association Journal.

Mr. Prickett states that this country needs a draft law which "combines certainty and fairness."

He proposes a system under which every young man in the country perform service for his country—in the Armed Forces, if he is able, in one of the various civilian services if he is not. Mr. Prickett proposes liberal exemptions should serve longer when they go on active duty.

I believe that Mr. Prickett has made a careful, objective study of the Selective Service System and has made some thoughtful proposals. He is to be commended for it.

Mr. President, I ask unanimous consent to have Mr. Prickett's article printed in the RECORD.

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

DRAFT PROBLEMS: A BOLD ANSWER

(By William Prickett)

Solicitor General Erwin N. Griswold, former dean of the Harvard Law School, spoke with grim clarity in a speech before the American Law Institute in May of 1968 about the growing lawlessness that marks American society, particularly its youth. As a factor "contributing to emotion and to strong reaction," he cited our draft laws—their inequities and the real or apparent arbitrariness of administration. "To some extent," he said, "this [arbitrariness] is inherent in the system of local administration—which has a measure of merit—but in our colleges and universities, there are students who come from many different places, and the different policies of different draft boards sometimes stand out rather starkly when they are placed side by side."

A less widely recognized impact of the draft is the presence in our universities, particularly our graduate schools, of many students who, though able, are not really motivated toward intellectual life or professional training and who therefore take their energy out in other activities. Yet another effect is the increase in early marriage and parenthood, the Dean pointed out.

"Finally," he observed, ". . . the draft has all but made effective academic discipline impossible."

Why is this? The students who have misbehaved at Columbia, or California, or Stanford, or wherever, should be expelled, you say. Their conduct surely merits that, as far as the University is concerned. But what happens if they are expelled, or even suspended for a year? They cease to be students, they are immediately classified I-A, and are very likely to be drafted. Perhaps that is what should be done. But it does convert the academic penalty into something potentially far more serious, and many Faculty members, who usually participate in disciplinary actions, have not been willing to take such a responsibility.

Dean Griswold thus states the problem, but does not offer any solution. Uncomfortable memories of the Dean's tax class remind me that this was often the way: The Dean would state a tax problem with clarity and force and then ask some hapless student for the answer. Boldness very occasionally served when adequate research or preparation was lacking. The following, then, is a bold answer to one part of the problem the Dean poses.

The present draft law is wrong from every point of view. The uncertainties it creates begin for young men at about the age of 16 and may continue until the age of 26. These uncertainties are created not only by