

U.S. Congress

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
FIRST SESSION

VOLUME 115—PART 14

JULY 2, 1969, TO JULY 14, 1969

(PAGES 18185 TO 19496)

population. These denials are of course in the highest degree reprehensible and fully deserving of condemnation by the world community. It is also true that over the long run they may come to constitute threats to international peace and security since the oppressed majorities may eventually refuse any longer to tolerate their oppression. It would seem to me, however, to be stretching the intent of the Charter to claim that the present situation, outrageous as it is, constitutes a present threat to international peace and security.

In any case the risk of proceeding from this premise to the application of economic sanctions is shown by the failure of such sanctions, so far at least, to achieve the desired results even against Rhodesia, a territory whose economy is relatively vulnerable. How much less likely would they be to achieve decisive results against neighboring and stronger countries, particularly when the overwhelming, the quasi-unanimous world opinion required to make such sanctions work is obviously absent. Let us not further weaken the authority and the potentiality of the UN by demanding of it prematurely more than it can realistically be expected to deliver. For the time being let each nation be the judge of what posture both moral imperatives and political farsightedness suggest it should assume toward Southern Africa.

Of course there are some who argue that the whole conception of the United Nations is unrealistic, that in a world of nationalisms only nation states can act effectively, and that the UN Charter is only pious rhetoric. I would most vigorously dispute their claim. On the contrary, I would argue that, in this interdependent world, the capacity of even the strongest individual nations to act effectively alone is growing ever narrower. There are coming to be more and more actions of the greatest consequence which, if they are to be done safely or even done at all, must be done by international agreement and international action.

I would argue that the most important of them is peacekeeping. Of course it is incumbent upon all nations to keep the peace. That has been a Christian principle for 2000 years but unfortunately it has not yet become an invariable Christian practice. But there is no nation today, no matter how powerful, capable of maintaining a pax romana or pax britannica around the world or even over any large part of it. If any should attempt to do so, it would incite both the rival ambitions of other great powers and the stubborn nationalism of a host of small ones. There can be, I suggest, no permanent peace imposed by any nation or group of nations. There can only some day we trust be a permanent peace imposed by a world community which has collectively decided that only by living in peace can it be sure of living at all.

In the meantime, the very epitome of realism, I would argue, is to strengthen in every possible way the international organizations we have, the United Nations and all its great family of specialized agencies, to enable them better to cope with the paradoxes of our times. Dag Hammarskjöld, U Thant and many others have long reminded us that the United Nations has only as much authority and resources as its members are willing to give it or lend it. Insofar as it has failed it has done so, not because of inherent flaws in its concept or constitution, but because its members have refused to let it have the necessary power and means to achieve the purposes they themselves have set for it. Their attitude has too often been that of the mother in the old nursery rhyme:

"May I go swimming, mother dear?"
 "Yes, My darling daughter,
 Hang your clothes on a hickory limb
 But don't go near the water."

Fortunately that attitude is changing. As to peacekeeping, the disastrous hangover of the Article 19 controversy, in which all of the participants including the United States behaved shortsightedly and foolishly, is wearing off. All of the great powers, including the Soviet Union, are showing significant interest in developing a more reliable UN peacekeeping capacity, first of all for use in supporting a Middle Eastern settlement but clearly also to be available to deal with other situations which the members of the Security Council might agree constitute serious threats to international peace. There does now seem to be a reasonable hope that, as the risks and burdens of unilateral response to such threats become more obvious, there may be an increasing acceptance of the necessity of an effective multilateral alternative such as the UN could provide.

It may be premature to show even this guarded optimism about the ability of the United Nations to cope in the near future with the other great paradoxes of our time, with the gap between living standards and prospects of developed and undeveloped countries, with the deteriorating quality of our environment as a consequence of inordinate population growth and promiscuous modernization, with the fragmentation of the human family into smaller and smaller national units. Certainly in this country, for example, aid to developing nations seems to have fallen into disrepute just at the moment when, if continued, it seems most likely to achieve some of its most dramatic successes.

On the other hand, it may be that multilateral aid, aid extended through the United Nations family, the World Bank, the UN Development Program and some of the specialized agencies, may be to some extent exempt from this general disrepute. Our Administration, for example, is requesting of the present Congress increased funds for some of these purposes. I very strongly hope that these requests will be approved and as time goes on may be further expanded. I urge that every one of you support these requests. I would consider it in the highest degree unrealistic to ignore or underestimate the grave danger to world stability, indeed to our own national interests, which would certainly flow from a frustration of the demand of the underprivileged two-thirds of the world's people that they share in benefits which modern science has so lavishly conferred on the privileged third. I would, moreover, consider it wise that a large part of what the rich nations do contribute to redress this balance be channelled through international agencies which are less likely to become involved in political complications than are national donors or lenders.

In the field of population control also the United Nations is at last substantially seized of the problem. A recent report of the U.S. United Nations Association by a distinguished panel, headed by John D. Rockefeller, recommended a very large increase in UN programs for this purpose and a large increase in U.S. contributions. I hope that both of these increases will take place. Similarly the UN is beginning, as we are here at home, to be deeply concerned with the pollution of our air, water and soil. These are scourges affecting all industrialized societies but more and more affecting to some degree societies of all kinds. The United Nations is planning an international conference on this subject in 1972 and the United States is preparing to do whatever it can to ensure that the conference has the maximum possible impact and benefit.

My friends of the United Church of Christ, ever since Moses, probably long before, man has been dreaming of the Promised Land. Even in Moses's time it was possible for small groups of men, inspired by faith, endowed with courage and enterprise, to make deserts bloom and to offer their children lives which were both rewarding and noble. To our gen-

eration, for the first time in history, is offered the possibility to offer to our children, and I mean all children of the family of man, lives of this quality, lives no less rich in adventure and challenge for being secure, healthy and harmonious, lives during which the age-old promise of "peace on earth and good will to men" might at last begin to be fulfilled.

Is this unrealistic? Of course it may be. Of course it will be if we insist on looking no farther than the ends of our hard noses, if we insist on setting no higher aim than national or racial or ideological advantage. In closing, I would argue again that, in light of the miracles, technological or divine, which now permit us to land on the moon, to blow up our planet or to feed the multitudes, the highest realism is to choose soberly among these miraculous new capabilities, to control and root out together those that could destroy us, to develop together to the nth power those that can enrich and unite us.

A recent British Ambassador to Washington remarked that "man is a peculiarly constructed animal who can't read the handwriting on the wall until he has his back to it." Let that not be said of us. Let us read in time both the evil tidings and the good tidings written on the wall and, asking God's help, choose wisely and realistically between them.

WELDON OWENS, OF THE DALLAS TIMES HERALD, ENDORSES FOLK-LIFE FOUNDATION PROPOSAL

Mr. YARBOROUGH. Mr. President, earlier this year, I introduced S. 1591, a bill to create an American Folklife Foundation. On June 25, 1969, Mr. Weldon Owens who authors a popular column, entitled "Cross Country," published in the Dallas Times Herald, endorsed my proposal. Mr. Owens is a knowledgeable commentator on events all across Texas, and I am highly flattered to have his support.

I ask unanimous consent that an extract from Mr. Owens' column of June 25, 1969, be printed at this point in the RECORD.

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

CROSS COUNTRY (By Weldon Owens)

Extra: A thousand thanks to Sen. Ralph Yarborough for his introduction of a bill to establish an American Folklife Foundation (Smithsonian Institution agency).

SOFTENING THE SCHOOL DESEGREGATION GUIDELINES

Mr. MONDALE. For the past half year the school desegregation program has been forced to operate in a context of ambiguity, vacillation, and equivocation. Despite the existence of guidelines that clearly reflected the law and relevant court decisions, administration spokesmen continually suggested that these guidelines would be softened, and the deadlines relaxed.

I and a number of other Senators from both parties were relieved to hear Secretary Finch state on two occasions in late April and early May that the existing school desegregation guidelines were going to be enforced. Unfortunately last Thursday's statement of retreat by Secretary Finch and Attorney General Mitchell destroyed that promise. The deliberately confusing statement they issued on school desegregation—indicating

at least that some school districts would have more time to desegregate, and at worse that many school districts would have more time to desegregate—was unnecessary and tragic.

As editorial published in Monday's Washington Post summarized very well the unfortunate consequences that the administration's policy of vacillation and retreat, capped by the Finch-Mitchell statement, has had and will have on the effort to finally eliminate the dual school system some 15 years after the Supreme Court of the United States declared it unconstitutional. I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Washington (D.C.) Post,
July 7, 1969]

WATCH WHAT WE DO

There are a number of lessons the Nixon Administration could have learned from the Knowles affair, and chief among them is that short term buying and selling do not constitute good politics. For in the name of political expediency and at the altar of some presumed nitty-gritty, the President made an awful bargain and did himself more damage than he conceivably could have done by resisting outside pressure and taking a definable stand on the issue months ago.

We bring all this up because the Administration appears to have gone through the whole gruesome, self-damaging process over again, this time in relation to the Federal guidelines for school desegregation.

At the end of five months of internecine manglings and counter manglings, and less than a week after Secretary Finch had asserted that no relaxation of the 1969-1970 deadlines for compliance was contemplated, the Administration has come forth publicly with an inconclusive, teeter-totter position: a lengthy statement beginning with a sanctimonious attack on nameless others who apparently don't share its rectitude in this matter ("This Administration does not intend to continue those old procedures that make satisfying headlines in some areas . . ."), and simultaneously announcing that the 1969-1970 deadlines will be relaxed and that they will hopefully also be enforced. The point is that the statement which, ironically, purports to "strip away the confusion which has too often characterized discussion of this issue," instead has compounded it. There is a little something for everyone; the range of possible interpretations is wide; the hard questions have yet to be faced or answered.

The guidelines are merely a system of standards and measures worked out by HEW, and derived in part from court rulings, whereby it is possible to judge a school district's compliance with the law and its consequent qualification (or lack of qualification) to receive Federal funds. Eighty-nine per cent of the districts in the South already are in compliance with the law. Nor is there any question that, taken together, the Civil Rights Act of 1964, with its provision for denying money to offending schools, and the Elementary and Secondary Education Act of 1965, which provided the first hefty sums that could be granted or denied, have functioned as an incentive to getting on with desegregation in the South. That is what the guidelines are all about. Only 11 per cent of the South's school districts remain in one stage or another of non-compliance, and a year and a half ago they were given until the fall of 1969 to comply, or until the fall of 1970 under certain special circumstances. It is the fate of these relatively few school districts that has had the Nixon Administration

in such a dither since it came to office—a dither, it might be added, which has not taken very shrewd account of how the act of rewarding the holdouts might affect the overwhelming majority of Southern districts which have already complied.

Two things may be said about the Administration's performance as an exercise in politics. One is that no matter how the practical issue finally is resolved, the Administration is bound to pay a heavy political price as a result of having opened the question in the first place. The other is that there was neither reason nor need to have done so. This, in other words, has been self-generated angst. The guidelines as formulated contained reasonable enough artful language to allow a reasonable degree of flexibility in their application. Again, the fall of 1969 deadline had built into it a dual advantage: it rested on the interpretation of court rulings, thus providing the Administration with a credible reason for deciding not to alter it; and it brought this thorny problem to its conclusion in the least political season of the next four years, a schedule designed to minimize the pain, cost, and temptation to posturing on the part of all concerned. Finally, momentum had been gathered; an aspect of inevitability had been perceived and even accepted by all but the most hard core Southern resisters; the end of the legal phase was in sight. Now, the Administration's ambiguity has undermined those deadlines, whether it intends ultimately to maintain them or not. It is odd that Mr. Nixon, who is so keenly attuned to the psychological necessities of the bargaining table in other connections, has permitted his Administration to give the Southern holdouts every reason to hope he is not serious about enforcing the guidelines and every incentive to resist HEW's warnings. A number of Southern school districts have already, in his term, withdrawn compliance plans they had reluctantly submitted to HEW. It is also odd that he did not perceive that by fiddling around with the guidelines, only partially hidden backstage, and letting this internal Administration drama play itself out in public, he was leading the Southern resistance to believe that he had it in his power to do them a favor—a situation that will naturally lead to bitter disappointment if he ultimately lets them down, and one that was wholly avoidable.

A few days before the guidelines statement was issued, Attorney General Mitchell made an extraordinary remark to a group of black protesters in his office, and one that is not without relevance to what has happened since. "You'd be better informed if instead of listening to what we say, you watch what we do," the Attorney General said.

Surely, it is not romantic to believe that what the Administration says and what it does should have a rather close connection—especially where the sending out of signals on this delicate and potentially explosive issue is concerned. This one can't be solved by equivocation, more delay, or on the cheap. That in our opinion is the best political advice Mr. Nixon's political advisers have given him—never mind the big legal and moral questions.

HEW AND DESEGREGATION

Mr. BAKER. Mr. President, on June 20, Mr. Leon E. Panetta, Director, Office for Civil Rights, Department of Health, Education, and Welfare, addressed the Southern Regional School Boards Association annual convention in Gatlinburg, Tenn. Mr. Panetta was formerly a legislative assistant to former Senator Kuchel of California, and assumed his present difficult position subsequent to the inauguration of President Nixon. In

my discussions with him, I have always found him to be a competent, cooperative, personable administrator.

In his remarks Mr. Panetta enunciates the philosophy of HEW on the school desegregation issue. As we all know, this is a highly controversial and volatile issue. I believe that Mr. Panetta's remarks would be most helpful to anyone seeking a better understanding of the position of HEW on this matter. Therefore, I ask unanimous consent that the text of his address be printed in the RECORD.

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

REMARKS BY MR. LEON E. PANETTA, DIRECTOR,
OFFICE FOR CIVIL RIGHTS

Please permit me first of all to thank you for your invitation to speak to the annual meeting of the Southern Region School Boards Association. Having worked in the United States Senate for three years, I know what it means when an elected official cries in anguish: "I need a lot more friends and a lot fewer enemies." I am sure many of you have often suffered the same anguish. Let me say that while the Office for Civil Rights is not going to win any popularity contests in this Government, I can assure you we relish every opportunity to win some understanding observers, if not more friends.

But moreover it gives me the chance to speak to each of you . . . to listen to each of you . . . to help reopen communication with you . . . to reason together with you in an area that is more infamous for its controversy, its emotion and its turmoil than its logic or reason.

I have had the honor of talking to many of you personally—in negotiating sessions, over the telephone, and at meetings similar to this. I understand your problems—how well I understand your problems—for I too must bear a responsibility for those problems when I enforce the law. It is a monumental responsibility for each of us. You must face your community and their pressures, and anxieties, and their desires, and yet, you must seek a sound and equal education for your children. I, as a member of the Executive Branch am sworn to uphold the law as written by the Congress and as interpreted by the courts and yet, I believe that I too must seek, in the end, a sound and equal education for the children of America. Over and over again I have reiterated that the position of my office is not "integration and to hell with education"—but, at the same time, I cannot and do not say: "education and to hell with the compliance with the law."

It is within this context that the various questions and problems surrounding desegregation arise. Such questions as: Are the two goals—education and compliance with the law—compatible and can they be achieved together or are they mutually exclusive? Does integration destroy the educational quality of a system? Is the law wrong? Is the *Brown* decision wrong and outdated? Is separate but equal education the best kind of education? What are the real difficulties involved in compliance with the law?

Let us, if we can today, survey some of the answers to these questions and try to understand a little better between us some of the real problems we share in this area.

First of all, what of the law itself—how clear is it? On the question of separate but equal education, the law as stated in the *Brown* decision of 1954 is quite clear: separate education is unequal education. On the issue of the dual school system the law is again quite clear: where a school has been established as an all black or an all white school under the dual school system, its racial identifiability must be disestablished. The Civil Rights Act of 1964 is also quite