

UNITED STATES



OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 91<sup>st</sup> CONGRESS  
FIRST SESSION

VOLUME 115—PART 17

AUGUST 5, 1969, TO AUGUST 12, 1969  
(PAGES 22197 TO 23658)

tion, backed by Congress, notifying North Vietnam that we are "not going to cut and run" in South Vietnam.

Mundt says the action is needed to offset widespread domestic and global confusion as to U.S. intentions.

Recent orders by the Nixon Administration beginning a gradual withdrawal of American forces from the fighting zone have prompted precipitous conclusions that we are giving up the fight.

Nothing was further from the mind of President Richard Nixon in issuing the withdrawal orders. Rather, it is anticipated U.S. forces will be withdrawn gradually as and when South Vietnamese forces are equipped and trained to take hold on the more treacherous fighting fronts.

But Mr. Nixon's intentions have been distorted by liberals and doves who, having long since gotten us into the fighting in a major way, have wearied of the scene and are seeking new worlds to conquer. Liberal thinking now is directed at the domestic scene, where they visualize the use of Vietnam war funds for social and other spending projects.

This compassion for betterment is laudable. But it is evident that the One Worlders have lost stomach. Their naive visions of global togetherness have given way to the isolationism they so loudly condemned in the days when the venerable Sen. Robert Taft cautioned against falling victim to the Utopian dream of the world living happily together for all time.

Two wars and many disillusionments later the muddle-heads are ready to throw in the towel. It's not that easy. Sen. Mundt recognizes the facts of life on a troubled globe. Moreover, he knows what is certain to follow any showing of weakness or uncertainty.

What the Doves sorely need to do is think practical thoughts and cease dreaming of perfection in the world of imperfections.

#### ANOTHER BLOW TO CIVIL RIGHTS— COURTESY OF THE NIXON AD- MINISTRATION

Mr. MONDALE. Mr. President, last week in the House of Representatives saw the writing of another miserable chapter in the Nixon administration's deplorable civil rights record. The administration stood by and watched—almost as disinterested observers—while the House voted down attempts to strike anticivil rights language from the 1970 Labor-HEW appropriations bill.

Thus, we in the Senate will once again be faced with the so-called Whitten amendments, sponsored in the other body by Representative WHITTEN, of Mississippi. Last year, as my colleagues will recall, we were successful in the Senate in nullifying the most damaging effects of the provisions, and I am sure a majority of my colleagues will support similar action again this year. But the fact of the matter—the sad fact—is that the administration could easily have stopped the 1969 version of the Whitten provisions last week in the House. Instead, it chose to remain silent in yet another display of its insensitivity on civil rights issues.

I wish to commend our colleagues in the other body who supported the efforts of Representatives COHELAN, CONTE, and O'HARA to delete or modify the anticivil rights Whitten amendments. I am sure I speak for many of my colleagues, on both sides of the aisle, when I pledge

that we will continue this fight in the Senate—with or without the administration's support.

Mr. President, the Washington Post on Sunday carried an article and an editorial about the House action of last week on the Whitten provisions and the administration's inaction. I ask unanimous consent that the article and editorial be printed as part of my remarks at this point in the RECORD. In addition, I ask unanimous consent that the Evans and Novak column entitled "Mitchell Blocked Finch's Move on Anti-Integration Proposal," which appeared in this Wednesday's Washington Post, appear at this point in my remarks.

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

#### HEW DIDN'T FIGHT GUIDELINES CURB (By Richard L. Lyons)

Despite ample warning that it was coming, the administration apparently didn't lift a finger to stop anti-school desegregation provisions written into the HEW appropriation bill by the House Thursday.

The language designed to legitimize freedom-of-choice plans and to prevent cutoff of federal aid from non-complying school districts was approved in identical form by the House a year ago. It was later modified and made meaningless by the Senate through ambiguous language.

Wilbur J. Cohen, then secretary of Health, Education and Welfare, said last year the initial House-passed language "threatens to stop or perhaps reverse this nation's drive for equal opportunity for all children."

Nearly two weeks ago, 10 days before the House voted on the issue, its Appropriations Committee again approved the language authored by Rep. Jamie L. Whitten (D-Miss.), who had announced his intention months in advance.

#### NO DENUNCIATION

Rep. Silvio O. Conte (R-Mass.), a leader in the drive to strip the language from the bill, asked for a statement from HEW Secretary Robert H. Finch denouncing it. Conte thought a message was coming, but it never did.

Except for Rep. John B. Anderson (R-Ill.), House Republican Conference chairman, no Republican leader spoke on the issue. A switch of nine votes would have killed it, but Democratic absenteeism was equally noticeable.

Even after the House vote, HEW civil rights officials said they couldn't discuss the matter and didn't know what the administration would ask the Senate to do. They had stuck their necks out before on school guidelines only to have them chopped off by equivocation at the top—the lesson was not lost.

#### STRATEGY DISCUSSED

Civil rights leaders, on the other hand, met Thursday evening after the House vote to discuss strategy. Clarence Mitchell of the NAACP, top civil rights lobbyist, said they tentatively decided the best course would be to ask the Senate to kill the language in hope of reaching an acceptable compromise in the House-Senate conference that will settle differences between the two houses.

"The vote proves," said Mitchell, "that there is a White Panther contingent in the Republican party led by Gerald Ford (House minority leader) with the complete approval of the White House." Mitchell said the White House made a "deliberate decision" to stay out of the fight.

The language forbids HEW to force busing of students, closing of schools or forcing a child to attend a school against the choice

of his parents. It also states that these actions cannot be ordered as a condition to receiving federal aid.

#### DEFANGED LAST YEAR

Last year, the Senate defanged the language by adding at the end of each of the two sentences the phrase "in order to overcome racial imbalance." HEW said it could live with this because its job was not to achieve racial balance but to end illegal segregation. This is the way the bill was passed, but only after a final cliffhanging House vote where the compromise was nearly lost.

Now that they face a repeat of the long 1968 fight, civil rights forces have one advantage over last year but have lost two key allies.

Sen. Warren G. Magnuson (D-Wash.), a civil rights supporter, is in charge of the bill in the Senate this year in place of the retired Lister Hill of Alabama. When he concentrates on an issue, Magnuson is one of the most effective operators in the Senate. He probably would be outvoted in his subcommittee, but it was the full committee that voted the compromise language last year.

But Sen. Jacob K. Javits (R-N.Y.), a tough civil rights fighter who carried much of the load last year, has left the Senate Appropriations Committee.

And a key operator in the final House fight, Melvin R. Laird, has left to become Secretary of Defense. It was Laird last fall, after Strom Thurmond had delivered the South for Richard M. Nixon at the Republican National convention, who decided Mr. Nixon couldn't stand the appearance of being tied to the South. Laird switched several conservative Republicans and finally beat Whitten.

#### AND A LOW BLOW

By extremely small margins the House on Thursday rejected the efforts led by Reps. Conte of Massachusetts and Cohelan of California to excise from the Labor-HEW appropriations bill language that would severely undermine the Civil Rights Act of 1964 and the progress—such as it has been—of school desegregation in the South. The language in question was developed by Rep. Jamie Whitten of Mississippi, and although it purports to deal with "forced busing" of students, its principal effect would be to establish the validity of so-called "freedom of choice" plans and to inhibit HEW from using its enforcement powers to bring schools (such as those in Mr. Whitten's district) into compliance with the law.

Mr. Cohelan observed in passing that he and Mr. Whitten had been around this track before. Last year the House also appended the Whitten language to the Labor-HEW appropriations bill; the Senate rejected it; the House-Senate conferees could come to no agreement; and in the consequent record vote on the measure held in the House, Mr. Whitten took a close defeat. It was a real cliffhanger. We bring up this bit of legislative history because the administration apparently has something like that scenario in mind for disposing of Mr. Whitten's measure again this year—if, indeed, it plans to help dispose of it at all. For despite the stern words of Secretary Finch and Attorney General Mitchell in their revised guidelines statement on the subject of "freedom of choice" plans, the administration refused to pass the word privately or publicly against the Whitten measure before the vote last week. The best construction anyone has been able to put on this reluctance is that the administration is looking to have Mr. Whitten defeated on the Senate side.

As best constructions go, it is pretty rickety. For one thing, the very closeness of the votes in the House makes abundantly clear that the administration could have turned it around with a little effort and/or

will. And there was plenty of opportunity (and pressure) to do so. Mr. Whitten's Republican and Democratic opponents in the House implored HEW to express a view for the administration and thus to help them out. Once again there was a great deal of backstairs to-ing and fro-ing, promises to reach a decision followed by further delays and further promises, leading—ultimately—to silence. Two things make this passing odd. One is that, as a candidate, Mr. Nixon last fall let it be known that he opposed the identical Whitten measure. The other is that, whatever action the Senate subsequently takes, the House action of Thursday can only encourage those school districts in the South that already believe they read Mr. Nixon loud and clear and which are currently fighting his representatives at HEW. As the time grows shorter until the fall of 1969 and the administration's resolve becomes, if anything, less clear regarding the fulfillment of that desegregation deadline, episodes such as this one become increasingly important. In fact, the signals the administration has been transmitting on this question by now have probably made the whole subject of the 1969 deadlines academic. Its refusal to take a stand on Mr. Whitten's destructive maneuver ranks high among these signals, coming as it does at this time. That is just one more depressing observation for those who took the Attorney General at his word when he asked that we watch what the administration would do on this question—as distinct from putting our hopes on rhetoric.

#### MITCHELL BLOCKED FINCH'S MOVE ON ANTI-INTEGRATION PROPOSAL

The reason why the Nixon administration tolerated house passage last week of an amendment designed to cripple school desegregation was the undercover intervention of Atty. Gen. John Mitchell, the strong man of the Cabinet.

Mitchell blocked a move by Robert Finch, Secretary of Health, Education and Welfare (HEW), to put the Nixon administration on record against the anti-integration proposal of Mississippi's Rep. Jamie Whitten. In fact, Mitchell made a special, highly secret visit to Capitol Hill to make sure the Republican leaders did not turn against the Whitten amendment. Because of this, the Whitten amendment narrowly carried.

The upshot transcends just one more victory for John Mitchell and one more defeat for Bob Finch inside the administration. Rather, this is a necessary triumph for Mitchellism—the attorney general's grand design of combining the 1968 Nixon and Wallace votes into a national Republican majority. Vital to Mitchellism is a civil rights policy that placates the South but does not offend northern whites.

Whitten's rider to the educational appropriations bill fulfills that requirement. While ostensibly aimed against busing school children (which arouses equal outrage in North and South), it would hamstring the Federal Government in forcing southern desegregation through withholding of federal money.

In preparation for last week's battle, pro-civil rights Republicans in the House some two weeks ago requested help from Finch's HEW. They were assured aid would be forthcoming—a public statement to be issued by Finch. Indeed, White House lobbyists expected to be working against the Whitten amendment.

A statement by Finch opposing the amendment was drafted at HEW on Friday, July 25, and—because the Justice Department shares responsibility for school desegregation policy with HEW—sent to Justice for Mitchell's co-signature. There it stopped cold. On Monday, July 28, Mitchell not only refused to sign the statement but prevented it from seeing the light of day.

They put the administration into a position of benevolent neutrality toward the Whitten amendment. Paying an unusual visit to a secret meeting of the House Republican leadership on Tuesday morning, July 29, in the minority whip office just hours before the appropriations bill came up on the House floor, Mitchell explicitly pronounced this position: the administration would not interfere with the Whitten amendment.

That doomed any hope of defeating Whitten. When liberal Republican congressmen asked what had happened to the promised statement from Finch, they were told lamely that Finch was in California (true enough) and unreachable (highly implausible). One such congressman pleading for help against the Whitten amendment was told by Minority Leader Gerald Ford of Michigan: "If it goes to a roll call, it's going to embarrass a lot of guys."

Thus, attempts to reject the Whitten amendment were beaten on Thursday, 158 to 141, on a teller vote where no record is kept—thereby avoiding a roll call. Had the administration and Republican leadership taken a position, Whitten unquestionably would have been beaten.

This has left a retched taste not only with the splinter of Republican liberals but such moderate conservatives as William McCulloch of Ohio, Albert Quie of Minnesota, Tom Railsback of Illinois, Edward Blester of Pennsylvania, and one member of the party leadership: caucus chairman John Anderson of Illinois who spoke eloquently on the House floor against the Whitten amendment.

Such Republican discontent plus the absence of Finch in California and President Nixon in Asia when Mitchell was laying down policy provides a little hope for civil rights forces at HEW. At any rate, Finch now intends to fight the Whitten amendment in the Senate.

But even if the Whitten amendment does not make it all the way through Congress, Mitchell's benevolent neutrality toward it is in itself of great significance. "I believe a fundamental decision has been made," says Congressman Anderson. That decision: the courts, not the executive branch, will be given the job of enforcing school desegregation—a concept fully compatible with the Whitten amendment.

This historic shift means not only that the pace of school desegregation will slow dramatically (the Nixon administration's Georgia court suit will take years to settle) but that the federal judges, not President Nixon, will be blamed when it finally comes. These results could help satisfy the crucial but vulnerable requirement of Mitchellism that the Nixon administration pleases 1968 Wallace voters enough to enlist them in a new majority.

#### THE STATE LEGISLATURE AND THE PROSPECTS OF STATE GOVERNMENTS IN THE FEDERAL SYSTEM

Mr. MUNDT. Mr. President, there has been a healthy awakening lately to the fact that if we are going to make some real impact on our 'critical domestic problems, we will need better performance at all levels of our federal system. The growing emphasis on revitalization and strengthening the State legislatures to enable State government—a pivotal level of our federal system—to pull its weight is particularly noteworthy.

For example, the Citizens Conference on State Legislatures, formed in 1965, now has active citizens' groups working for improvement of legislatures in more

than 13 States. In 31 States reports by citizen or official bodies on various aspects of legislative upgrading have been published in the past year and a half. And the Advisory Commission on Intergovernmental Relations, of which I am a member, recommended in its 1967 report on fiscal balance that State legislatures be strengthened as an essential step toward more vigorous State participation in the federal system.

I wish to call the attention of this body to a speech by North Dakota State Senator Edwin C. Becker, chairman of the governing board of the Council of State Governments, delivered on June 16, 1969, at the Woodrow Wilson School on Public and International Affairs at Princeton.

Senator Becker recites the familiar litany of criticism of the Federal Government for its proliferation of grant-in-aid programs and the crisis in management it has brought about in carrying out these Federal-State-local cooperative programs. But he does not stop there; he places a full share of the responsibility on the States for the fact that "our whole system of government in this country is perilously close to crumbling under the weight of the demands for action to solve the staggering domestic problems that plague major segments of the citizenry." He says:

Let us zero in on the area of government that we have the responsibility to reorganize, to revitalize, to cause to be alert and immediately responsive to the needs of the people we serve . . . We will never have really productive and meaningful federal-state or intergovernmental relations until we have prepared ourselves to accept the responsibilities such a partnership places upon us. Though we are preparing ourselves for such a partnership, we are far from the total preparation which is absolutely essential.

He goes on to propose in great detail what he feels State legislatures need to do and should do to make them "the sparkplug and the cornerstone of vigorous and responsive State and local government."

Mr. President, Senator Becker and the Council of State Governments which he leads, deserve the commendation of the American people for statesmanlike acknowledgment of the present shortcomings of our State legislatures, but more, for these forthright proposals for strengthening legislatures so that they can help State government play its rightful central role in our federal system.

I ask unanimous consent to have printed in the RECORD the text of the address by Senator Becker.

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

#### THE FUTURE PROSPECTS OF STATE GOVERNMENTS IN THE FEDERAL SYSTEM

(By North Dakota State Senator Edwin C. Becker, chairman of the governing board of the Council of State Governments to the conference-type course on intergovernmental relations conducted by the Woodrow Wilson School on Public and International Affairs, Princeton, N.J., June 16, 1969)

Our whole system of government in this country is perilously close to crumbling under the weight of the demands for action, immediate action to solve the stag-