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CIVIL RIGHTS CONFUSION

Mr. MONDALE. Mr. President, on August 28, two of the most distinguished newspapers in the Nation, the New York Times and the Washington Post, editorialized on the same subject—school desegregation and the uncertainties caused by the Nixon administration's equivocal and contradictory actions and statements. Inasmuch as many Members of Congress were out of town when these editorials appeared and may have missed them, I think it would be appropriate to have them printed in the CONGRESSIONAL RECORD.

Both editorials refer to the latest desegregation retreat by the administration—the intervention of the Secretary of Health, Education, and Welfare on the side of recalcitrant Mississippi school districts in support of a further delay in desegregation. Parenthetically, I should like to point out that we are now in the 15th year since the Supreme Court ruled that racially segregated dual school systems are unconstitutional and must be eliminated. Yet they still exist in parts of the Nation.

Mr. President, for the information of Senators and Members of the House of Representatives who may not have read them, I ask unanimous consent that the editorials be printed in the RECORD.

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

[From the Washington Post, Aug. 28, 1969]

THE SCHOOL DESEGREGATION MESS

Ever since the Nixon administration took office, people have been trying to figure out what its policy was on school desegregation. Only recently has it become evident that the exercise was doomed to failure because there was (and is) no policy. The precariously balanced official statements put out by the administration on the subject, with all their mutually cancelling clauses and paragraphs, have taken form in real life as a series of zigs and zags, swerves and screeches, threats and retreats—a kind of stock car race to nowhere that is far too arbitrary and ad hoc and politically accident-prone to be characterized as policy at all.

The best construction that can be put on any of this—and has been from time to time by Secretary Finch—is that the administration means to deal with the complexities of school desegregation on a case-by-case basis that takes full account of individual district's problems and needs. Even in theory, however, the merit of this approach is more apparent than real. As John Gardner and others warned from the beginning, any substantial deviation from the body of precedent, practice, and law that had come to be controlling in HEW's considerations, was bound to invite resistance, encourage political pressures, and replace the momentum that was gathering with chaos. Moreover, they argued, there was plenty of room in the policy that had been adopted for reason and compassion to come into play in special individual cases. They were right, as it seems, on both points. The prospect they warned of has been realized.

The bizarre events surrounding the administration's dealings in the state of Mississippi are the latest example of how things are coming unstuck. Incredibly, Secretary Finch a short while back intervened in a critical court case on the side of Mississippi and against his own Office of Education which had submitted school plans for 30 districts—plans meant to effect more than token desegregation by this fall. The heat which had brought about this extraordinary move must have been intense: none other than Jerris Leonard, the Assistant Attorney General for Civil Rights, appeared in Jackson to argue the case against OE's position and for delay. Understandably, the proceedings tore it with the Legal Defense Fund, which had thought it was in court with the government. And the Mississippi debacle is apparently what also finally triggered the uprising of discontented attorneys in the Department of Justice who are now filling a protest of their own. Doubtless, the administration is onto a surefire thing, in the sense that school desegregation has never been what you would call a very popular issue, and it is getting less popular every day. But the administration would do well to consider whom it is hurting most by its actions. Like those courageous white Southerners who put their reputations on the line in their communities to argue the practical wisdom and necessity of compliance, the Legal Defense Fund and the cadre of Civil Rights lawyers at Justice are part of a dwindling band of men and women who have persisted in a sound cause against a rising tide of black and white separatism. It is they—in the face of violent and voguish extremes—who have continued to make the unpopular case for the acceptance and/or promotion of integration via the orderly processes of law. And it is they who are being repudiated by these actions: the white Southerners who told their communities that desegregation must come about, the civil rights workers who gave assurance that justice was attainable through law. It is not just the unseemly performance of the administration in this and related episodes that is so distressing. It is the gathering evidence that for a short-term gain, the administration is willing to do incalculable damage to those it should regard as its best friends and most worthy allies for the long haul.

[From the New York Times, Aug. 28, 1969]

FASTER SCHOOL DESEGREGATION?

In the absence of a clear policy statement by President Nixon himself, the progress of school desegregation becomes increasingly shrouded in uncertainties, confusion and suspicion. The extraordinary protest action by half of the staff lawyers in the Justice Department's Civil Rights Division against what they consider a retreat from energetic enforcement of the established guidelines gives substance to growing fears that segregationist pressures from the South may be triumphing in Washington.

Read against this background, the forecasts by the Department of Health, Education and Welfare that the beginning of the school year will see a dramatic increase in the integration of Southern Negro children into formerly all-white schools assume some of the characteristics of an effort to deflect attention from retreats in specific areas.

If these optimistic, over-all projections do prove accurate, much of the credit will belong to the administrators of the department's office for Civil Rights under both Presidents Johnson and Nixon. The guidelines developed and enforced after the passage of the Civil Rights Act of 1964 gave momentum to Southern school desegregation, which had been held to a snail's pace by court's skirmishes and other forms of resistance in the first decade following the Supreme Court's historic mandate in 1954. The Nixon Administration's shift from direct administrative action to renewed litigation can only be interpreted as a slowdown move.

Indeed, the recent Administration decision to grant Mississippi another delay in eliminating dual school systems feeds apprehension that Southern anguish over unseemly haste—fifteen years after dual systems had been held unconstitutional—is getting undeservedly sympathetic attention. The National Association for the Advancement of Colored People may have overstated the case in charging that, by its action in Mississippi, "the United States Government for the first time has demonstrated that it no longer seeks to represent the rights of Negro children." But, in disavowing its own desegregation plans at least for the coming school year, Washington has clearly put Southern political pressures ahead of forward movement on the integration front.

In view of the suspicions this postponement has aroused, it becomes particularly important that the enforcement targets set by Leon E. Panetta, director of the Office for Civil Rights, are actually met. Success along these lines would do much to lend credence to official assurances that special difficulties of timetable and administration in Mississippi will not be allowed to encourage foot-dragging elsewhere or to turn the Mississippi delay into eventual surrender.

However, Mr. Panetta's candid acknowledgement that high-placed policymakers inside the Administration have urged greater laxity makes it plain that the effectuation of the guidelines would be helped if the President himself set forth both principle and policy. There should be no obscurity about the wholeheartedness of White House support for swifter movement toward full school desegregation, North and South.

GLUE SNIFFERS GROUNDED

Mr. DODD. Mr. President, we live in a day when concern over the youth of our Nation is at a peak.

Never before have young people been exposed to so many elements of mental and physical danger, and never before have the young been allowed such a degree of freedom.

In the past several years, parents, educators, jurists, and legislators have addressed themselves with growing frequency to such problems as the spread of pornography and the increasing use of dangerous drugs.

The "generation gap" has become a topic of conversation from California to Maine, and from the cocktail party to the church.

Despite this unprecedented interest, however, I think it is a rare instance when corporate business takes the initiative, at a loss in profits, to insure the safety of America's youth.

I was, therefore, pleased to read a recent account of the efforts of the Testor Corp., of Rockford, Ill., the largest manu-