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The Mayor was making a plea for industry support for Senator Edward M. Kennedy's Fisheries Development Act of 1969, which seeks to "help our fishing industry recover from the crisis situation it is now in" through technical and financial assistance for conservation and new equipment.

The other day in the Fisherman's Institute, a rest home for old men of the sea, Seymour L. Harnish, a former captain, was talking about the old days.

"I'll be 91 if I live to see the 15th day of November coming," he said, "and, my gracious, I hope to tell you the difference between then and now is like night and day."

In the dim lounge of the institute a soap opera flickered on the television. Mr. Harnish, wearing a battered felt hat, occasionally glanced at the screen through his thick glasses. In a corner, two men bent over hand whittled cribbage boards.

"I was captain of the Romance in 1914," Mr. Harnish said, continuing: "That's the year war broke out. We had 19 men, purse-seining mackerel. I come home with 180 barrels of salt mackerel at $20 a barrel. Why now you can't even hear tell of salt mackerel. People don't eat them any more."

FOREIGN ADVANTAGES

Mr. Harnish turned his attention to the foreign fleet.

"They're tearing up the feeding bottom," he said. "It stands to reason they must have cleaned up their own grounds on the other side, now they're over here cleaning up ours. I won't say it has destroyed our fishing yet, but if they keep on they will."

Mr. Harnish said the foreign ships enjoyed two big advantages—cheap labor and use of nets with smaller mesh than that permitted for American fishermen. "They get men on those boats living for months almost like convicts," he said. "You can't get our men to do that."

Down near the wharves, Sam Ciaramentaro was assembling a net at his chandler's shop. He is 54 and gave up fishing for a shore job in 1947. "I've got two boys; I wouldn't send them fishing," he said. "You waste your life out there, that's all."

Mr. Ciaramentaro said his business has dropped 20 per cent in the last few years. He said the foreign fleet was certainly part of the problem. "We don't have the vessels to compete with them, we're getting pushed around," he declared. "I've got nothing against anybody, Russian or American, working for a living, but not when you got to push somebody else around."

"We're all spoiled," he went on. "We wouldn't eat herring like the Russians are catching. Our young housewives want these prepared fish sticks they just have to heat and they're ready to go. You can't compete with that."

While most of the fish caught by foreign ships is for their own country's consumption, an increasing amount is finding its way back to the United States as imports. This is particularly true of blocks—frozen, compressed slabs of filleted fish that are used in making fish sticks and other prepared products.

Gorton's of Gloucester, which was founded in 1755, imports blocks from Poland. The blocks are made on the Polish ships from fish caught perhaps 50 miles from the factory, taken to the French territory of St. Pierre and Miquelon off Newfoundland for transfer to American freighters, then moved to Gorton's. Gloucester fishermen concede they cannot compete with the Polish prices.

The trend has had its effect on Gloucester, which was founded in 1623. The port's annual fish landings used to total about 350 million pounds; last year they totaled 97.6 million pounds.

The fleet, mostly vessels individually owned by Portuguese-American and Italian-American entrepreneurs, has shrunk from more than 200 ships 10 years ago to 110 now. Last year, one new vessel was added to the fleet while two older ones sank.

DROP IN FISHERMEN

There are about 1,000 fishermen in the town, compared with the total 10 years ago of 1,800. Crews of the ships share 60 per cent of the ships' catch as their wages; the owners get 40 per cent.

Although the Government has a grant and loan program that can pay up to half of the cost of new fishing vessels, the fishermen complain that it takes too long and is too complicated to get the Federal money, and very difficult to get the capital they need for their own share.

"We are the farmers of the sea," said Mayor Grace. "The Government pays our farmers money not to grow crops, and here we are trying to make a living and bring money into this country and we get very little help at all."

Gloucester still has hopes of reversing the decline of its fishing, and particularly of stemming fish imports. In the United States last year, 58 per cent of food fish and 76.2 per cent of all fish products were imported. The figure for food fish imported in 1960 was 41.4 per cent.

Mayor Grace, however, is something less than optimistic. "In the face of all the subsidies for fishing being handed out in all these other countries," he said at the fisheries commission meeting, "we should give an accolade to the American fisherman just for surviving."

THE ZIGS AND ZAGS OF SCHOOL DESEGREGATION

Mr. MONDALE. Mr. President, by now it should be no secret to Senators or any other interested observers that there is a great deal of confusion surrounding the intentions of the Nixon administration in the area of school desegregation, but instead of clarifying the situation, the endless statements merely add to the confusion.

In surveying the zigs and zags of the Nixon administration on school desegregation since January 20 of this year, one cannot be blamed for questioning whether such equivocation and contradictory statements could possibly have occurred accidentally. One knowledgeable civil rights spokesman declared recently that the actions of the Department of Justice, and the Department of Health, Education, and Welfare, "amount to what only can be called a policy of deliberate confusion."

The spokesman to whom I refer is Jack Greenberg, whose credentials in the area of civil rights generally and school desegregation in particular are well established and known to us all. He is the director-counsel of the NAACP Legal Defense and Educational Fund, Inc—LDF. Last week Mr. Greenberg issued a press release documenting the confusion of the last 8 months.

Yesterday a New York Times editorial entitled "Deliberate Speed—In Reverse" commented on the confusion and vacillation in the administration's school desegregation policy and the recent actions of the NAACP legal defense and educational fund.

Mr. President, I ask unanimous consent that the release and the editorial be printed in the RECORD. I urge all Members of Congress to take a few minutes to read them.

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

STATEMENT BY JACK GREENBERG, DIRECTOR-COUNSEL, NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC. (LDF)

Recent actions of the Department of Justice and the Department of Health, Education and Welfare with respect to school segregation amount to what only can be called a policy of deliberate confusion which has caused a slowdown from anticipated levels of desegregation this year and promises serious retreat in the future. These zigzags reflect the intense southern political pressure which stimulated protests in the Department of Justice's own Civil Rights Division.

EXAMPLE OF FAILURE TO MEET STANDARDS

Here are some concrete examples of what has resulted:

In the month prior to the opening of school at least ten districts notified HEW that they were not implementing their previously approved plans. We have preliminary information that many more are fulfilling their commitments only partially.

The Administration is accepting weaker desegregation plans. HEW has approved plans: *Where no substantial steps are required this year beyond free choice.*

Orangeburg No. 4 (Edisto) S.C.'s plan, accepted in August, has free choice for all grades in 1969 and calls only for the desegregation of faculty meetings.

Where all-black segregated schools remain which could have been phased out this year to achieve a totally integrated system.

Chester, Tenn. has been given an extra year to close an all-black school for no justifiable reason.

Where black schools which could have been integrated were either closed or remain segregated.

Florence, S.C. rejected HEW's proposal to zone elementary schools and to assign white children to formerly black schools. In August HEW accepted the district's plan under which 2 black schools were closed and others remain segregated. Black parents are boycotting because they want the two-way integration plan which HEW had earlier sought.

Terminal plans where segregated schools remain even though other options are available.

In Salisbury, N.C. the HEW accepted plan leaves two all-black schools. Black parents report that gerrymandered zone lines are responsible for keeping one of these schools segregated and that white students are being allowed to transfer out of schools with large black enrollments.

Where delays are permitted on the basis of vague future construction plans.

Bleckley, Ga. HEW has accepted a delay pending a bond issue for new construction even though HEW officials admit that there is no need for new buildings and that the district should have been required to pair schools.

York #2 (Clover), S.C. HEW has accepted a 1970 terminal plan on the justification that a new high school will be built. When the plan was accepted, the district had neither funds nor plans for construction. HEW officials admit the district could have integrated using existing facilities.

The Administration is not taking steps to accelerate staff integration.

HEW has accepted plans with very weak commitments for staff integration and without clear guarantees for job security for black teachers. No sanctions have been exercised against a district either because staff desegregation has been minimal or because black principals and staff have been fired or demoted. Example:

Johnston County, N.C., demoted its black high school principal and hired a white principal from outside the district. Although HEW's regional officials recommended sanctions because they believe this is a clear case

of discrimination, HEW's General Counsel has refused to take action.

Forthcoming plans will be less effective as instruments to abolish dual school systems. We predict decreased use of plans which could end the dual school system in cities and towns, e.g., school pairing and affirmative zoning, and an increase in plans with assignment procedures based on intelligence tests and track systems—a process clearly intended to segregate black children.

One Administration policy has indeed been implemented. Decreased use is being made of sanctions available to HEW under the Civil Rights Act of 1964. A substantial number of districts have not been cited even though desegregation has been minimal. HEW has not moved against majority black districts which have not submitted terminal plans. These districts have been permitted to remain in a state of noncompliance; no enforcement proceedings have been initiated against them. There are at least 80 such districts; Arkansas alone has 25. HEW occasionally announces that it has cited additional school districts or has terminated funds. The question is: how many fully documented cases have accumulated without action on the desks of the Secretary or of HEW's General Counsel?

The decreased reliance on sanctions as a device to compel compliance is evident in the appointment to HEW's Reviewing Authority of two conservatives, one of whom is William R. Able, the chairman of the Republican Party in Columbia, South Carolina.

The Administration has announced that it will put more emphasis on the use of professional educators as provided for under Title IV of the Civil Rights Act of 1964. Technical assistance is no substitute for enforcement. Furthermore, the events of this summer have unfortunately revealed that the role of the Title IV program, which is supposed to provide the expert, impartial, professional service of educators in the development of effective desegregation plans, has been compromised by political pressure. Black parents now realize that they cannot trust a program which clearly does not regard their children as its clients whose constitutional rights are paramount.

Title IV staff submitted to Federal judges desegregation plans for South Carolina school districts where the target deadlines "1969–1970" had been crossed out and "1970–71" substituted and where only minimal steps were required for this term. In many of the 21 district plans, no requirements for additional pupil desegregation in 1969 were made. Emphasis was on exchange visits, bi-racial advisory and human relations committees, workshops, etc. Instead of steps to ensure the end of the dual school systems, these experts seemed able to produce only educational jargon. "All students will experience a series of interaction experiences with students of the opposite race."

We know that many Title IV staff members are deeply unhappy about the position into which they have been forced. We have been advised that when the Administration requested the delay in implementing desegregation plans in Mississippi, the Title IV staff members who had worked on them were called into Secretary Finch's office and asked to testify that the plans had been too hastily drawn. Many of them refused to do so.

THE USE OF THE DEPARTMENT OF JUSTICE INSTEAD OF HEW

The Administration has said it is shifting to litigation instead of administrative action whch cuts off federal funds from districts which do not integrate.

We had urged Justice to file suit where districts have refused federal money and insisted upon segregating. But a general shift from enforcement by federal fund cut-off under Title VI of the Civil Rights Act of 1964 to judicial enforcement would be disastrous.

First, experience shows that districts under court order have integrated substantially less than those under HEW supervision.

(2) Districts under court order can continue to receive federal funds even though they have not complied or the order may fall far short of constitutional requirements and HEW standards.

(3) For Justice to take on new cases means it will give less attention to cases it now has. Overall progress will be less. The Civil Rights Division has not increased in size. Lawyers there must work also on employment discrimination and campus unrest. Fewer lawyers will have more work.

(4) The position Justice took in Mississippi, urging delay in desegregating 33 districts, raises questions about its position in new cases it seeks to file.

The Legal Defense Fund has more than 200 school cases in the courts. In these cases and with regard to schools generally, we are concerned that the position of Justice and HEW will undermine judicially declared standards for effective and speedy desegregation. In the past HEW has looked to the courts for guidance. And the courts in turn have looked to HEW. Where courts grant delays, as at the request of the Federal Government in Mississippi, there is every prospect that HEW will follow that example. Where HEW dilutes its requirements, as in the many examples that appear in this statement, the courts may be expected to take a cue from government policy. Therefore, instead of mutual reenforcing higher standards, we are entering a period of mutually reenforced downgrading of standards.

THE LDF IS NOT PARTISAN—WE CRITICIZED JOHNSON ADMINISTRATION

Our analysis and description is not partisan. We were highly critical of the Johnson Administraton when it did not measure up on its constitutional obligation to integrate schools. But there was an important difference. There was dialogue between civil rights groups and administration officials. Here, except rarely, and in the most general terms and almost never with regard to specifics, there has been a failure of dialogue. The highest administration officials promised that before there would be changes in HEW policies those changes would be discussed with civil rights groups. That has not happened. The low point of non-cooperation occurred when the Department of Justice for the first time took an initiative to delay desegregation in 33 Mississippi school districts which had been scheduled in accordance with plans developed by HEW and then disavowed by it.

EXAMPLES OF SHIFTS IN POLICY

One thing is known about desegregation. To be effective, it must be firm, consistent, and clear. But apart from softness in enforcement, the Administration has been highly confusing. Some of the contradictory positions are set forth here:

January 29—Five Southern Districts about to be terminated are given a 60-day period of delay by Secretary Finch. If the districts come up with acceptable plans, they will receive lost funds retroactively.

March 10—Secretary Finch's interview in *U.S. News & World Report* alluded to some impending change in the guidelines. In addition the Secretary was quoted as saying that HEW must retain its enforcement powers: "We cannot turn (the whole enforcement-compliance field) over to the Justice Department now because we have built up a certain momentum in education, in terms of getting school districts to recognize that a . . . national goal has been set. If you were to chop off everything now in my department, just let Justice handle compliance . . . I think a lot of this momentum that has been built up would be lost."

March 14—General Counsel designate Robert Mardian sends Secretary Finch a memorandum advocating, among other things, that HEW might permit an extension beyond the previously established 1969 target date and that this policy could be implemented without any particular public announcement.

March 18—Civil Rights Leadership Conference received assurance from Finch that there will be no change in the guidelines.

March 24—Secretary Finch disavows Mardian memorandum.

April 15—The *Washington Post* reports that Administration sources claim that the guidelines are being "revamped" because they are "vague and ambiguous." Secretary Finch and Attorney General Mitchell reportedly attending meetings at the White House on the guidelines.

April 22—Leon Panetta's letter in response to Jack Greenberg's letter to Secretary Finch: "The Department is not contemplating any changes in the guidelines at this time."

May 16—Leon Panetta, in a speech in Atlanta, said: "Why can't we continue to use free choice? . . . The answer is that the Supreme Court ruled against it . . . HEW policies are controlled by that decision."

May 31—HEW submits two year plans to South Carolina Federal Court giving 21 districts another year of freedom of choice.

June 20—Jerris Leonard commented that the Administration's position is going to be that districts would be required to desegregate by the target deadline "where that was possible." He was also quoted as saying "It's wrong to set arbitrary deadlines." (*Washington Post*, June 20.)

June 28—Secretary Finch quoted as saying there would be no relaxation of the guidelines. (*New York Times*, July 1.)

July 1—Secretary Finch proposed to the White House that a new policy statement on the school desegregation guidelines contain no provisions for more time to comply with the law. (*New York Times*, July 1.)

July 3—Finch-Mitchell statement.

Districts that have "bona fide educational and administrative problems" will be given extra time to desegregate.

It is not our purpose here to lay down a single arbitrary date by which the desegregation process should be completed in all districts or to lay down a single arbitrary system by which it should be achieved. On the federal level the law enforcement aspects will be handled by the Department of Justice in judicial proceedings. . . . and the educational aspects will be administered by HEW."

July 3—Leon Panetta announces that he plans to send all southern school superintendents a letter explaining the new policy. (*Washington Post*, July 4.) A few days later Secretary Finch was quoted as saying that no letter of explanation would be sent. He said it was "unnecessary."

July 5—White House Press Secretary says that the Administration is "unequivocally committed to the goal of finally ending racial discrimination in schools."

July 7—The Department of Justice files five school desegregation suits.

August 1—The Department of Justice files a state-wide suit against Georgia.

August 3—The Whitten Amendment to the HEW Appropriations Bill is passed by the House. This Amendment would, in effect, prohibit HEW from requiring anything other than freedom of choice plans. The Administration takes no position on the Amendment.

August 13—In Attorney General Mitchell's speech to the American Bar Association, he said: "The extravagant rhetoric of the last few years have offered promises which cannot be delivered, and have set as immediate goals programs which will take a decade to complete."

August 25—The Administration asks the Federal Courts to delay desegregation in 33

Mississippi districts from this September until September 1970.

CONCLUSIONS OF OTHERS RE POLITICAL INFLUENCE

We are not alone in ascribing the Administration shifts—which are undermining desegregaton—to political influence. Followng are the views of other observers:

James Batten, Charlotte Observer, June 13, 1969

Tough recommendations of a 19-member team from the Office of Education for plans requiring desegregation in South Carolina school districts "were overruled" by Secretary Finch and Attorney General Mitchell. "Sources at HEW insisted that Finch and Mitchell made their move after Sen. Strom Thurmond, the conservative Republican from South Carolina, complained about the original plans."

Rowland Evans and Robert Novak, Washington Post, June 27, 1969

"A dramatic case is a telephone call to the HEW's civil rights division on June 24 from the School Board in Austin, Texas. Austin has dragged its heels on desegration for years. But last month, under pressure from HEW, the entire school board sat in all-day session with HEW officials here to devise a desegregation plan. Also present were staff aides of Republican Sen. John Tower of Texas and Rep. Jake Pickle, Austin's Democratic Congressman.

"On returning to Austin, the School Board wrestled for three weeks with a new plan and finally adopted one that even included some pupil bussing to assure racial balance in primary and secondary schools.

"That June 24 call, however, notified HEW that the School Board had heard from Tower that a "major change" in the guidelines was impending. Therefore the Board would stand pat until the change was announced and then "reappraise" its plans. That shattered the Austin model which HEW officials had hoped would pave the way for a desegregation breakthrough in Texas starting with San Antonio and Lubbock.

"At this writing, however, there is little chance of stopping the new guidelines. The pressures are too strong from Southern Republicans, from Attorney General John Mitchell's Justice Department (which strongly favors the relaxation), and from the Republican National Committee (where they have the blessing of the chairman, Rep. Rogers Morton of Maryland).

"The pressures have been intense. One Republican, Rep. Fletcher Thompson of Atlanta, Ga., flatly warned the White House that some Southern Republicans could not support President's Nixon's tax bill unless HEW slowed down desegregation. In Thompson's own district, a new school was recently ordered closed on grounds that it was specifically located in a Negro neighborhood to avoid sending Negro students to white schools.

"Perhaps more important, the Finch retreat fits the basic Southern political strategy that elected Mr. Nixon. Ever since he took office, the South has been demanding fulfillment of campaign pledges to ease desegregation. Only Finch and a HEW civil rights decision stood in the way. Now Finch, too, has yielded."

Editorial, Washington Post, August 28, 1969

". . . The precariously balanced official statements put out by the administration . . . 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."

Editorial, New York Times, August 25, 1969

". . . 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."

Fred P. Graham, New York Times, August 28, 1969

"Civil Rights lawyers in the Justice Department decided to protest the Nixon Administration's desegregation polices after they were told by their superiors that political pressures had prompted the Government to call for a delay in Mississippi school integration."

Peter Milius, Washington Post, July 27, 1969

Judge Ben C. Dawkins in commenting on the role played by Rep. Joe D. Waggonner, Jr. (D.La.), stated that "At Waggonner's request I tried to get him (Harry S. Dent) at his office. He wasn't there so I left my home phone. He called me that night at home. He indicated there would be a general relaxation of the school desegregation guidelines, that they would not put so much emphasis on completing it this fall." Five days later Dawkins ordered HEW to renegotiate the cases with later timetables, after expressing "great gratitude" to the President, Mitchell and Finch, Louisiana's Senators and Congressmen, and especially Waggonner with whom "we have talked and conferred many, many times since May 28." Another U.S. District Judge in the state reportedly got three telephone calls in one day from Capitol Hill. All three were about desegregation cases and he had to interrupt hearings on the case to accept them.

Jimmie Allen, research and information director of Republican Party of South Carolina in an interview with Gary Orfield. Acknowledging pressure on the party from all over the state to fulfill the promises made in the fall campaign to weaken civil rights enforcement, he stated that the state organization had repeatedly obtained concessions for school districts from HEW but couldn't claim public credit because "all the damn liberals say Strom Thurmond is the President of the United States." One school district received a year's extension "inside of ten minutes" after the party's executive director called Washington. "If the guidelines are relaxed," Allen said, "the Republican Party owns South Carolina."

(NOTE.—The LDF is a completely separate and distinct organization even though we were established by the NAACP and those initials are retained in our name. Our correct designation is *NAACP Legal Defense and Educational Fund, Inc.*, frequently shortened to *LDF*.)

DELIBERATE SPEED—IN REVERSE

The Administration's school desegregation policy—if indeed such a policy exists—has been swallowed up in a fog of confusion born of high-level contradictions. It is no longer clear whether the rapid succession of conflicting actions and statements derives from an ideological vacuum, or merely Southern political pressure. In either case, the outcome can only be a stiffening of the segregationist position.

A partial list of the Administration's actions and pronouncements includes: delay of desegregation in Mississippi, as the Federal Government itself discredits the plans of its own desegregation experts; de-emphasis of the guidelines set down by the Department of Health, Education and Welfare under the Civil Rights Act of 1964; a gratuitous attack on busing as an aid to integration by Vice President Agnew, at first supported by a White House spokesman and subsequently contradicted by H.E.W. Secretary Robert Finch.

The zigs and zags of the Administration's approach have been accompanied by a barrage of statistics and predictions of progress in desegregation and by protestations that, although fiscal sanctions against recalcitrant districts are to be relaxed, the power of friendly persuasion and court action will accomplish more than administrative enforcement. In view of the 15-year history of evasion and postponement by exactly those districts which are now to be given the new, persuasive treatment, the emerging policy can hardly encourage Negro parents whose children are still victims of dual school systems. Indeed, it was roundly condemned by the Justice Department's dissident civil rights lawyers, to their great credit, and was courageously attacked as "a major retreat" by the United States Government's Commission on Civil Rights.

It is against such a dismal background that the N.A.A.C.P. Legal Defense and Educational Fund has launched its appeal to the Supreme Court to end all further delays in school desegregation. Although sparked by the Administration's desegregation slowdown in Mississippi, the real issue is whether such a local triumph of the segregationists will not in fact set off a chain reaction of delay and sabotage.

What the L.D.F. fund has challenged is the misinterpretation of the Supreme Court's own 1954 ruling that desegregation must proceed "with all deliberate speed," a phrase clearly intended not to impede progress but to bring about speedy, though orderly, change.

The administration's vacillation is interpreted by the anti-desegregation forces as an invitation to further political pressure. Only a clear statement of principle can reverse so dismal a course. It is up to the President himself to affirm that his lieutenants are in fact bound by such principle.

A $50 MILLION WINDFALL?

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization, which has been reviewing the Federal role in health care, has uncovered an abuse that must not be permitted to continue.

We have found that many veterans of our Armed Forces who receive health care in Veterans' Administration facilities have purchased private health insurance. However, the companies that insure them, and to whom the veterans make their payments, often do not reimburse the VA.

We believe this abuse is resulting in a $50 million yearly windfall to insurance companies.

There is no good reason why insurance companies should not reimburse the VA for the care received by the individuals they insure.

On July 30, 1969, we asked the Comptroller General of the United States to review the number of patients in the VA who have private insurance.

We asked the General Accounting Office to determine the extent to which private insurance companies could reimburse the VA for all or part of the care the VA provides to patients who have health insurance.

We also asked GAO to report on possible alternatives to this present practice.

The Subcommittee on Executive Reorganization estimates that the $50 million is a minimum amount that private insurance companies should be paying for their VA patients.