

U.S. Congress
UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
SECOND SESSION

VOLUME 116—PART 15

JUNE 15, 1970, TO JUNE 23, 1970

(PAGES 19651 TO 21100)

interested in the problems of manpower training and employment on Indian reservations and among Indian groups. Indians shall constitute a majority of the Committee membership, which shall designate its own chairman. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning problems and policy relating to employment and manpower and to the carrying out of his duties under this title. Such Committee shall hold not less than two meetings during each calendar year. The appointed members of the National Indian Manpower Advisory Committee shall be paid compensation at a rate not to exceed the daily equivalent for a GS-18 while engaged in the work of the National Indian Manpower Advisory Committee, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis. The Director and staff of the Office of Indian Manpower Services shall provide the Committee with such services as may be necessary for the Committee to carry out its functions.

SEC. 605. A special section of the Manpower Report of the President shall be directed to describing the activities prescribed under the provisions of this title.

SEC. 606. No provision of this Title shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands or tribes.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 701

Mr. THURMOND proposed an amendment to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to be printed.

(The remarks of Mr. THURMOND when he proposed the amendment appear later in the RECORD under the appropriate heading.)

SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1970—AMENDMENTS

AMENDMENTS NOS. 702 THROUGH 704

CIVIL RIGHTS AMENDMENTS TO SECOND SUPPLEMENTAL APPROPRIATIONS BILL

Mr. MONDALE. Mr. President, I rise today to submit for myself, Mr. CASE, Mr. KENNEDY, Mr. MUSKIE, Mr. JAVITS, Mr. BAYH, Mr. BROOKE, and others, three amendments to H.R. 17399, the second supplemental appropriations bill. These amendments are technical revisions of amendments 690, 691, and 692 which I submitted last week.

This bill, which was reported by the Appropriations Committee on June 8, contains the \$150 million that the administration seeks under existing legislative authority to assist school desegregation this summer and throughout the 1970-71 school year. These funds represent the initial portion of the President's desegregation proposal. They would be added to the following programs: Part D of the Educations Professions Development Act, the Cooperative Research Act, title IV of the Civil Rights Act of 1964, sections 402 and 807 of the Elementary and Secondary Education Act, and title II of the Economic

Opportunity Act. The administration will request additional funds under its proposed Emergency School Aid Act of 1970 following congressional action on the bill.

I strongly support the idea of making funds available to assist school districts throughout the Nation to attain quality integrated education. I am concerned, however, about reports that school districts which have "desegregated" in only the most token and misleading way might be eligible for these funds. I am concerned that these funds may be wasted in "desegregated schools" which:

Retain totally segregated classes,
Are still operating under ineffective freedom of choice plans,

Are transferring their facilities and equipment to private segregated academies,

Are in districts which have reduced the level of local and State financial aid for schools when they desegregate in order to ease the financial burden on parents whose children attend these segregated academies,

Have discriminatorily fired or demoted black faculty,

Or in other ways have abused and circumvented the goal of quality integrated education.

I am concerned, moreover, that these funds may be distributed in a fashion that denies equal opportunity to schools outside the 17 Southern and border States facing legal requirements to desegregate.

The Select Committee on Equal Educational Opportunity has received testimony from several individuals and organizations documenting the existence of this kind of token or paper compliance. We have heard, for example, about one school which is "desegregated" under a court order but retains segregated classrooms, staggered and segregated lunch periods, staggered and segregated bus routes, and separate bells so that black and white students change classes at different times. It is essential that schools such as this one which are making a mockery of the desegregation process do not receive funding under this appropriation.

I am extremely gratified that Secretary Finch, when he testified recently before a joint hearing of the Education Subcommittee and the Select Committee on Equal Educational Opportunity assured the Senate that "under no circumstances" will districts abusing the desegregation process through mere technical or cosmetic compliance receive funding. Therefore, we are introducing these amendments to the second supplemental to provide the Secretary with explicit authority to fulfill his commitment in several specific situations. I ask unanimous consent that copies of these amendments be printed at the end of my remarks.

Amendment No. 702 would prohibit assistance under this appropriation to school districts which have transferred property, services or equipment to non-public schools that practice discrimination on the basis of race, color or national origin. This amendment seeks to prevent Federal subsidies of private segregated academies in cases, such as those de-

scribed in a report by the National Education Association, where a "public school, opened in 1947, was declared surplus by school officials in June 1969 and sold to an individual, using sealed bids, for \$1,500 and team members learned that the purchaser, in turn, sold it to a private group for \$10,"—where "former public school buses, also declared surplus and put up for bid, have been obtained and are now being used to transport the students to the school"—where "localities 'surplus' public school furniture has been sold to private schools," or where "some equipment purchased with title I funds disappeared from the public school in one county."

Amendment No. 703 would prohibit funds under this appropriation from being used to supplant funds which, in the absence of funds under this section, or in the absence of desegregation, would have been made available from non-Federal sources for the education of pupils in a recipient school district. It is designed to prohibit assistance under this appropriation to school districts which have substituted these funds for non-Federal funds, or have reduced local millage or State support for public schools during the desegregation process in order to ease the financial burden on parents whose children attend segregated academies.

Amendment No. 704 would assure that any school district desegregating under a legal requirement—wherever the school district is located or whether it is desegregating as the result of State or Federal law—would be eligible for assistance under this appropriation. The administration has testified that this appropriation would be restricted to school districts desegregating under title VI of the Civil Rights Act of 1964 or Federal court order in the 17 Southern and border States. We do not believe that school districts such as Pasadena, Calif.; Denver, Colo.; South Holland, Ill.; or Pontiac, Mich.; which are desegregating under a Federal court order, or Los Angeles, Calif., which is desegregating under a State court order, should be denied eligibility for assistance under this appropriation.

These amendments, coupled with the administration's commitments to prevent abuses, can help assure that funds under this appropriation are granted to districts which are making honest efforts to desegregate their schools under legal requirement, regardless of their location. They can help assure that the funds are distributed equitably among districts with legitimate needs. They can help prevent a Federal subsidy of paper compliance.

The leadership conference on civil rights supports these amendments as the minimum necessary to help assure that the \$150 million appropriation is used properly. The National Education Association has also endorsed these amendments.

THE PRESIDING OFFICER (Mr. BELLMON). The amendments will be received and printed, and will lie on the table; and without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

AMENDMENT No. 702

On page 15, line 2, insert before the period a colon and the following: "Provided further, That no part of the funds contained in this appropriation shall be used to assist a school district which, subsequent to the beginning of the 1969-1970 school year, has engaged in the gift, lease, or sale of real or personal property, or services, to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin."

AMENDMENT No. 703

On page 15, line 2, insert before the period a colon and the following: "Provided further, That no part of the funds contained in this appropriation shall be used to supplant funding from non-Federal sources, which has been reduced as the result of desegregation or the availability of funding under this section."

AMENDMENT No. 704

On page 15, line 2, insert before the period a colon and the following: "Provided further, That no part of the funds contained in this appropriation shall be made available to carry out any program or activity under any policy, procedure, or practice denying funds to any school district legally required to desegregate schools, on the basis of geography or the source of the legal requirement."

APPROPRIATIONS FOR EDUCATION

Mr. COTTON. Mr. President, I ask unanimous consent that I may proceed for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, the Senator from New Hampshire has called the Senate's attention several times to the most unfortunate situation—indeed, I would say the desperate situation—in which the Senate finds itself in regard to the appropriation bill for the support of education in this country. It is being held up at a time when it is most necessary and should be passed.

I do not want to go over the same ground; but last year, because the delay in getting our appropriation bills out, it was November before the school districts in this country could know what they were going to have in the way of Federal aid. We undertook to remedy that situation this year.

The House of Representatives and the Appropriations Committee of the House cooperated. They separated the HEW appropriation bill and took up separately the appropriations for education, leaving health and welfare to come later. They got it out of the House early.

Our Subcommittee on HEW, under the chairmanship of the Senator from Washington, moved expeditiously. We held hearings. We went over it thoroughly, but rapidly, and put in a great deal of time, running sometimes into the evening, to get this bill prepared, marked up, and before the full Appropriations Committee. The full Appropriations Committee, reported it to the Senate, and it has been on the calendar since the 15th of last month. It has not yet been considered.

I will say, frankly, that I have been disappointed that we meet on Mondays, for example, and we are all through at 2:30 or 3 o'clock, with nothing to do

until the next day. I would like to see the Senate's feet put to the fire, and I would like to take this bill up some Saturday morning at 9 o'clock and keep working until we pass on it. If people find it inconvenient to be here on Saturday to argue about the Whitten amendments or something else, let them pay the penalty of being away.

I want to see—and others want to see—this bill acted upon. The schools are closing; most of them are closed; the commencements are taking place. The school boards, the school authorities, and the superintendents of supervisory districts all over the country have to start hiring teachers for next year.

I want to call the Senate's attention to some of the things being held up. They include elementary and secondary school appropriations, they include grants for urban and rural schools, for reading and instruction equipment, for dropout prevention and for bilingual education. They include impacted area funds, so vital to some districts; they include, as well, funds for education for the handicapped. It is vital to get teachers trained to deal with the handicapped. That is a real need in the care of the handicapped—to hire and train teachers who can deal with the deaf, and the blind, or the physically paralyzed. Then there is vocational education. And there are national defense education loans for students for higher education. All these things are being held up.

Every dollar we spend in fiscal 1971 will not be worth more than 66⅔ cents or 80 cents if we do not know ahead of time that it will be spent so that it can be spent wisely, intelligently, and considerately. It is just that vital, so far as the Senator from New Hampshire is concerned.

Mr. President, I have taken no part in the present prolonged debate. Some of my dearest friends are involved in it, so I would not call it a filibuster or use any harsh terms, but I have taken no part in this continued deliberation. I do not know where it comes from. If the White House wants the debate to go on interminably, no one from the White House has told me. I deal with members of the President's staff frequently. It has been a secret, so far as this Senator is concerned. I have served 16 years in this body and I would expect to know. I have not been able to learn from our chosen leaders on this side of the aisle who is behind this, whether it is a spontaneous effort or whether it is a calculated effort, I do not know and I do not care. But I do know one thing:

That is this: If there is anyone in the Senate who does not know how he will vote on the Church-Cooper amendment after all this deliberation, then I shall be greatly surprised. But if there is, he should engage the services of a psychiatrist.

I am not going to befoul my own nest and talk about the responsible people on this side of the aisle who, after all, should be and in a sense do represent the administration on the floor of the Senate. I regret that the leadership on the other side will let us go home early on Mondays, which means that we waste most of Monday and we waste all Saturdays.

I think that this bill could be taken up now. I am not interested in the debate as to whether the Republicans are to blame for not taking it up because of this prolonged debate, or whether the Democrats are to blame, because there have been many days without loss of time in which this bill could have been disposed of. But it is vital that it should be disposed of.

I am not going to say as much now as I would feel free to say after I have been frank with many of my own colleagues in the Republican Policy Committee, but I want to serve notice, Mr. President, that so far as the Senator from New Hampshire is concerned, he is dismayed, disgusted, and distressed that this vital bill should not be taken up when every school district and every schoolchild in this country is suffering because of it.

I do not care where the blame lies. The Senator from New Hampshire intends to have something more to say on this point—and it will be very much to the point—to find out, even if he has to invade the sacred precincts of the White House and stand, hat in hand, to find out what is behind the complete paralysis of the Senate.

I shall be equally frank in dealing with the majority leader, for whom I have the most profound respect and warm feelings of friendship. But, we have got to have time to take care of this bill. The needs of the country are suffering.

Let the chips fall where they may. The Senator from New Hampshire intends, first, to speak frankly to his colleagues, if he can get them in at this noon in the Republican Policy Committee, and then he intends to speak frankly on the floor of the Senate, and I do not care whom I may be opposing.

When one serves in this body for 16 years, as I have, trying to be cooperative, trying to be considerate, and not taking the time of the Senate in a lot of oratory; when I am fully aware of the situation and my correspondence and telephone tell me every day of the desperate need for action on the education appropriation bill, then I believe that I am justified in coming to the conclusion the time has come that I am either going to make myself a perpetual nuisance in this body from now on, or resign as a Senator.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from New Hampshire yield to me?

Mr. COTTON. I yield with pleasure to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I can well understand the feelings of the distinguished senior Senator from New Hampshire and I appreciate what he has had to say. After all, I have known him for a long time in both the House and the Senate. As he knows, there is no Senator in this Chamber for whom I have greater admiration and respect than the Senator from New Hampshire. He does not have a low boiling point or a short fuse. He thinks and thinks and cogitates, and then he thinks some more and then, when he gets up on the floor of the Senate and makes a statement, it is a statement which I think not only his colleagues on the Republican side of the aisle should pay attention to, but his colleagues on the Democrat side as well.