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Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

Mr. ERVIN. I object.

Mr. SCOTT. All right, Mr. President, it will go live. I will object to any further attempts to call it off.

The legislative clerk resumed the call of the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. SCOTT. Mr. President, the reason for not objecting to calling off the quorum at this time is merely a courtesy to the distinguished leader. Since the next order of business is the International Coffee Agreement, I am convinced that the tactics used here have effectively prevented action on the school desegregation bill and about \$75 million that would go to certain States in the South may not go there now.

Therefore, under the circumstances, to continue the quorum to a live quorum would simply inconvenience those who wish to bring up certain measures so that I have decided I shall not do that.

I thank the majority leader.

Mr. ERVIN. Mr. President, will the Senator from Pennsylvania yield? I should like to say in reply—

Mr. BYRD of West Virginia. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is called for.

#### INTERNATIONAL COFFEE AGREEMENT ACT OF 1968

The PRESIDING OFFICER (Mr. GRAVEL). The Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

H.R. 19567, an act to continue until the close of June 30, 1971, the International Coffee Agreement Act of 1968.

The Senate resumed the consideration of the bill.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is now recognized.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may yield first to the distinguished Senator from North Carolina (Mr. ERVIN), and then to the distinguished Senator from Minnesota (Mr. MONDALE), without losing my right to the floor or having any of my time taken away.

Mr. GRIFFIN. Reserving the right to object, I should like, if I might, to have 3 minutes following the statement of the distinguished majority leader this morning.

Mr. MANSFIELD. Certainly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

#### SCHOOL DESEGREGATION

Mr. ERVIN. Mr. President, I want to say, in reply to the distinguished Senator from Pennsylvania (Mr. SCOTT), that not one penny will go to any Southern State under this bill. This is an authorization bill. We could not possibly get an appropriation bill processed and passed by Congress in time for any Southern State to be deprived of any money this year.

I just want to point that out. The distinguished Senator from Pennsylvania is in error in suggesting that any action here which prevented passage of any appropriations would go to a Southern State, or to any other State.

I thank the Senator from Montana for yielding to me.

Mr. MONDALE. Mr. President, I should like to yield to the Senator from Rhode Island (Mr. PELL) at this time.

Mr. PELL. Mr. President, I regret that in the mishmash during consideration of the school desegregation bill, I could not gain recognition to express, at any length, the views of the Subcommittee on Education, of which I am chairman.

I object to the fact that the subcommittee is being criticized for not doing its job. We held hearings and considered the administration's bill, which I introduced as a matter of courtesy with the Senator from New York. We considered the bill that the Senator from Minnesota (Mr. MONDALE) and the Senator from New York (Mr. JAVITS) worked on, and decided that the latter was the best.

And it should be noted in the record, that with regard to the \$75 million previously appointed for the purpose, the administration has informed me that the total amount of money is still being allocated or committed.

Mr. President, I ask unanimous consent to have printed in the RECORD the subcommittee's position, which is in the form of a statement.

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

Mr. President, I regret very much that the Senate is at this late hour presented with the very involved question of a massive school desegregation assistance bill. I say I regret it because it is my firm belief that any measure pertaining to this most important subject requires calm consideration through the normal Senate procedures. I would venture to say that any action taken in the closing hours of this Congress would not be the vehicle for a measure which would truly meet the problems we must face.

The Subcommittee on Education of the Senate Committee on Labor and Public Welfare, of which I am chairman, has been considering this subject since June 9 of this year, when it opened six days of hearings, which lasted through the month of August. The hearing record, which comprises 600 pages, contains many statements of opinion as to what the final form of any federal aid to desegregation or integration should be. At the same time, the Junior Senator from Minnesota, Mr. Mondale, was conducting in depth hearings to carry out the mandate of the Senate when it established the Select Subcommittee on Equal Educational Opportunities, of which he is the chairman.

At the completion of the hearing process, the Subcommittee members prepared a bill which in its final form, was viewed as a measure to both meet the Administration's request as an aid for desegregation of schools and also as an affirmative step in bringing

quality education to our nation's children through the establishment of integrated schools which could serve as models for both north and south.

Unfortunately, our subcommittee work extended over many months. In all candor, this was due not only to a difficulty in getting Senators to attend sessions, but also to the very arduous task of coming up with a measure which satisfied the many views expressed by subcommittee members. However, we were able to report a bill which we believe deals evenhandedly with both the north and south, setting one standard for all. It was our hope that this bill would be the vehicle considered by the Senate.

By the time we had completed Subcommittee action, the House of Representatives sent over to the Senate its version of the school desegregation bill. This measure arrived in the Senate last Tuesday. Upon learning of this, I immediately requested the Chairman of the Committee on Labor and Public Welfare, Senator Ralph Yarborough, to convene a full committee executive session so that we could present to the Senate the Subcommittee bill and then go immediately to conference with the House. This request was granted and a meeting was called for 3:00 p.m., Tuesday afternoon. At that point, the Administration, through its leadership on the floor, stopped the normal procedures of the Senate and held the bill at the desk. The administration informed us that they wanted the House bill and that they would block any Senate action pertaining to the Subcommittee proposal.

As the past 9 days progressed, further consultations were held with the Administration, its representatives here in the Senate and the House members as to some accommodation which could be reached to the satisfaction of all parties. As late as yesterday afternoon, a proposal was made to the Administration which would have split the differences in an even way by simply dividing the fund authorization into two tracks but this was rejected.

We are now told that due to the lateness of the hour, we must accept the House bill if we wish to get any measure. I submit, Mr. President, that we are at this impasse due to the intransigence of the Administration. I further believe that the Senate should not be forced to accept the House bill per se under the pressure of time. Both measures have laudible sections which I believe could have been brought together through the normal process of the Senate. I believe that at this late hour, if the Senate sends the bill to the Committee, we could bring back to the Chamber a compromise, acceptable to all and I would personally support such a move.

Mr. MONDALE. Mr. President, the only reason this measure was not given a chance to be responsibly acted upon was that the administration deliberately arranged for a filibuster through procedural objections. The administration directed that the bill as passed by the House be held at the desk, freezing and paralyzing any action by the appropriate committee for the past 10 days.

At the time the objection was interposed, I pled with those making the motion to let it go to the Committee on Labor and Public Welfare, where it should go under the rules, so that we could develop a measure, report it back out—which we were prepared to do—so the Senate could act on the bill responsibly.

Instead, the administration sponsored efforts kept the bill frozen at the desk. The Senate committee that has worked harder than any other committee on this measure, that knows more about it

than any other committee, under the chairmanship of the Senator from Rhode Island (Mr. PELL), was never even permitted to consider and a House passed measure involving \$1.5 billion.

Those of us who have held the most extensive hearings in the history of the country on the question of school desegregation and who served on the committee were not permitted to have 1 minute's deliberation.

I think it is an insult to the Senate, an insult to the education subcommittee committee, and an insult to the relationship that a healthy government needs in trying to deal in this fashion with this most controversial and explosive question of our time—the question of desegregation and integration.

I want to work with this administration, but I cannot recall in the 6 years I have been in the Senate seeing an issue dealt with as shabbily as this one has been.

Others share this view. I am authorized to say for the president of the NAACP, Roy Wilkins, and for Clarence Mitchell, that they think the bill as passed by the House should be referred to the committee. I ask unanimous consent that a telegram from Roy Wilkins be printed at this point in my remarks.

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

Mr. CLARENCE MITCHELL,  
Director, Washington Bureau,  
NAACP, Washington, D.C.:

We understand the Emergency Education Bill authorizing one billion five hundred million dollars in federal assistance in carrying out desegregation policy will be considered in the closing days of the session. This bill contains two amendments: One, prohibiting the use of any of the funds for the busing of children and two permitting tests of pupils to determine if they shall be entered in desegregated schools.

The NAACP is opposed to both of these amendments and accordingly cannot support the bill of which they are a part. The whole desegregation policy and the court orders thereon would be nullified by the prohibition against busing in cases where that is the only method through which desegregation can be achieved. To allow local authorities to give tests before according pupils the right to education in the unsegregated school system would be to sacrifice the future of little black children to a political maneuver designed to return public education to the status of the period before 1954.

Please advise Senators and Congressman of our stand.

ROY WILKINS.

NAACP, New York.

Mr. MONDALE. Mr. President, Whitney Young of the Urban League has authorized me to say the same thing today. But this administration, claiming to represent the interests of the minorities, claiming to represent those who believe in integration and desegregation, have persisted in this tactic which I believe have destroyed any chance for responsible action in this session of Congress.

The responsibility must rest with them. Mr. GRIFFIN. Mr. President, will the Senator from Montana yield me 2 minutes now?

Mr. MANSFIELD. Yes, indeed; then I should like to proceed with my remarks. [Laughter.]

Mr. GRIFFIN. The Senator from Minnesota has made a statement which must have a response. He said something to the effect that the administration deliberately placed the House-passed bill on the calendar.

First of all, the administration does not do anything in this U.S. Senate. Senators do. Individual Senators make the motions and take the actions. It may be that the bill was placed on the calendar with the support of the administration. But that is a very flimsy excuse for the fact that the Committee on Labor and Public Welfare has not reported any bill. The administration's bill is, and has been, before the Committee on Labor and Public Welfare. That committee could have responded, and should have responded, by proceeding to report out its own version of the legislation, which would have gone on the calendar. If that had happened, the Senate would now be in a position to consider a Senate Committee bill. But the Labor and Public Welfare Committee did not do that. For that reason, the course taken by the minority leader—placing the House-passed bill on the calendar—was the only course available to assure that the Senate would at least have the opportunity to discuss in this session the emergency school aid legislation. By moving as he did, the minority leader at least made it possible for the legislation to be called up today.

Mr. MONDALE. Mr. President, will the Senator from Michigan yield briefly?

Mr. GRIFFIN. I do not have the floor.

Mr. MANSFIELD. I yield briefly.

Mr. MONDALE. I am sure the distinguished minority leader knows there was never any doubt that the Committee on Labor and Public Welfare, if it received this bill, would act on it and would have reported out a bill. This is not the case of a committee about which there is some question reporting out a bill on which they were prepared to act. The chairman of the subcommittee, the Senator from Rhode Island (Mr. PELL) made that commitment. The chairman of the full committee, the Senator from Texas (Mr. YARBOROUGH) also made that commitment.

The fear of the administration was not that we would not act, but that we would, and they would be confronted with a proposal that would really deal with this tragic issue.

Confronted with that tactic, they chose to freeze the bill at the desk so that no one could do a thing.

The administration said they would do it. That was what was done, and the record will show where the responsibility lies.

Mr. McCLELLAN. Will the Senator yield for a question?

Mr. MONDALE. I yield for a question.

Mr. McCLELLAN. Do I understand correctly that the House bill, 19446, has not had the benefit of being studied in depth by the appropriate Senate committee, on which the Senator from Minnesota serves so ably?

Mr. MONDALE. That is correct.

Mr. McCLELLAN. Will the Senator yield for a further question?

Mr. MONDALE. I yield for a further question.

Mr. McCLELLAN. I have not read or studied this bill in any depth. However, a cursory reading indicates to me that once again a dual standard is set forth for the North and the South with regard to matters concerning integration. I have had the pleasure of serving on the Select Committee on Equal Educational Opportunity, of which you are chairman. I think it is fair to say that on that committee we have had a great deal of testimony which indicates that there is segregation both in faculty and students in the North, occasioned by official acts which has not yet been challenged by Federal authorities. There are other occasions where a northern school district in a large city is in open defiance of Federal orders and has been for over a year. This bill appears to me to allow some of these districts to receive moneys for token integration programs. Further, it appears to me that this bill would impose additional onerous requirements on the South of increased Federal management of our local schools, without imposing the same requirement upon Northern school districts. I wish it to be clear that I believe that these requirements are improper and unwise. We have had a great deal of testimony before the select committee disparaging Federal control of local schools. This testimony has come from people of varying ideologies. Will you, if this bill goes to committee, put forth your best efforts to eliminate governmental discrimination as between the treatment of the North and the South with regard to integration? I ask this question with the full knowledge that you do not chair the Labor and Public Welfare Committee and that you only have one vote; I only ask that you use your best efforts to this end.

Mr. MONDALE. I want to assure the distinguished Senator that I will do all I can to shape a bill that does not contain a double standard. The bill the Education Subcommittee has agreed to already—the bill we hoped to consider in committee with the House bill—does contain a national uniform standard for funding integration. I will continue to work for that goal.

Mr. SCOTT. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I have had my attention called to two items of information which certainly would cast some doubt on the optimism of the Senator from Minnesota.

I have this second hand, but I am advised reliably that the Senator from Minnesota did not have the votes on the committee to get the bill reported out. I assume that if he had them, he would have had the bill reported.

What is even more cogent is that I have discussed the matter within the last 5 minutes with two Members of the House of Representatives who would normally by conferees. It is their opinion that there is no chance whatever of a Senate bill being acted upon if it were to come to the House. It would have less chance than

a celluloid dog chasing an asbestos cat through the lower region.

Mr. PELL. Mr. President, the bill was reported by the subcommittee to the full committee. I personally believe—and having been on the committee for 10 years, I have some idea of the matter—that the Senator from Minnesota did have the votes on the full committee, if there had not been prolonged discussion which would postpone the matter. I think that he did have the votes to report the bill out of committee to the Senate.

Mr. CRANSTON. Mr. President, I have long been convinced of the need for Federal financial aid in bringing about meaningful desegregation of our Nation's schools. During the debate on the amendment which would have required application of desegregation guidelines, considered at length in this body earlier this year, I made clear my belief that racial isolation of our school children must be eliminated, and that the Federal Government must support school districts seeking to achieve this important goal by sharing whatever financial costs may be involved in total school desegregation.

I was heartened when the President announced last spring that he would ask Congress to provide Federal dollars to school districts implementing good-faith desegregation plans. I was disappointed, however, by the specific legislation which the administration subsequently submitted.

By focusing primarily on the problems faced by recalcitrant school districts—which, after 16 years, still have failed to comply with the constitutional mandate abolishing dual school systems—the administration's legislation failed to face up to the severity of racial isolation which persists throughout the country. It failed also to provide adequate safeguards against the misuse of Federal financial assistance.

We well know the tragic consequences of failing to provide such safeguards. As the distinguished Senator from Minnesota has pointed out, there have been frequent, flagrant instances of misuse of the \$75 million appropriated by Congress to help school districts which were under court order to desegregate this past fall.

The House Committee on Education, headed by the remarkably able Representative from Kentucky (Mr. PERKINS), wisely rejected the legislation submitted by the administration. Instead, it considered a bill that provided safeguards against misuse of funds and recognized the national character of racial isolation in our public schools. But that bill was substantially weakened by floor amendments, particularly an amendment prohibiting the funding of voluntary programs involving transportation in de facto segregated school districts. This amendment alone raises serious questions as to whether the House bill can benefit those school districts in my State currently undertaking desegregation efforts.

This is the bill now on our Calendar.

I recognize the importance which the President attaches to the approval by Congress of a measure to assist school districts in meeting the special problems

arising from desegregation. So does the Senate Labor and Public Welfare Committee. The distinguished chairman of the Education Subcommittee has held extensive hearings on the legislation originally submitted by the administration. So has the distinguished Senator from Minnesota whose Select Committee on Equal Education Opportunity has explored almost every facet of the problems inherent in racial isolation.

As a result of their efforts, as well as those of other committee members of both parties, the Education Subcommittee has prepared a sound bill which I consider responsive to the problems of racial isolation. As the distinguished chairman of the Labor and Public Welfare Committee has repeatedly pointed out, our committee remains prepared to act on the subcommittee measure. We have not done so because we felt the House-passed bill should have been referred to our committee, as is the usual practice. Instead, the administration had the House-passed bill stopped at the desk.

Mr. President, this action by the administration effectively denies the Senate the opportunity to consider its own bill and to weigh the informed recommendations of its own committee. Given the difficult and delicate issues involved in the complex problem of racial isolation, I share the concern which the distinguished Senator from Minnesota has expressed so well this morning.

#### A SUMMARY OF THE LEGISLATIVE ACHIEVEMENTS OF THE 91ST CONGRESS

Mr. MANSFIELD. Mr. President, this is the last day of the year 1970. We are approaching adjournment sine die some day this week. I want to take this opportunity to express my personal thanks to the deputy majority leader, the distinguished Senator from Massachusetts (Mr. KENNEDY), and the secretary of the conference, the distinguished Senator from West Virginia (Mr. BYRD).

I also want to express my personal thanks and gratification to the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), the deputy minority leader, the distinguished Senator from Michigan (Mr. GRIFFIN), and to the other Members of the hierarchy of the Republican Party who comprise the leadership in that group.

Most important of all, I want to express my gratitude, thanks, and appreciation to every single Senator, Democrat and Republican, from the North, South, East, and West, from the Atlantic to the Pacific, for the cooperation and the understanding which they have shown throughout this entire session.

I only hope that this cooperation which has marked the 91st Congress will continue in the months and years ahead to the end that we will all put the country first and the party and our personal successes or lack of them second.

Mr. President, a number of assessments have already been offered of the 91st Congress—its record, its achievements, its failings, and its flaws. I hope that the Senate is of a mind at this time

to take one more evaluation from the leadership. One can readily criticize the pattern of Senate performance these past 2 or 3 weeks. That it comes at the end of a long Congress of intense, exhausting and virtually continuous session is easily forgotten. The achievements of 2 years may well be overlooked in the procedural thickets of adjournment. As in other situations, the legislative good is often interred with the bones of an expiring Congress. Praise should neither be sought nor expected for doing what it is our responsibility to do.

Nevertheless, it ought to be said for the historic record that this Congress has coincided with the beginning of a difficult national decade. I think it was sensed at the outset that we would be meeting at the opening of an era of drastic change at home and abroad. The pressure for change has already become very evident in the Nation and the work of the Senate has mirrored it. Almost at the outset of the 91st Congress questions were raised concerning the need to reduce this Nation's antiquated commitments and accumulated involvements abroad, notably those of Vietnam. Heard, too, from the outset were the questions of the neglected needs of the people here at home.

This Congress—the 91st Congress—has played a decisive and fundamental role in setting forth these questions, both domestic and foreign, during the past 2 years. Moreover, the Senate has provided leadership and active participation in the search for answers to these questions.

If we know a little more clearly the dimensions of what now confronts the Nation, the work of the Senate has helped to induce that clarity. If the Federal Government has, at least, begun to move more emphatically against the backlog of national difficulties, whether they be the war in Vietnam, the disintegration of urban life, the needs of older Americans, pollution, crime or whatever, it is due in part to the activities of the 91st Congress. I am not talking about the passage of particular laws. To be sure, many laws have been passed. We do not, however, nor should we, measure the contribution by the number of items that have been run through the legislative computer.

The impact of the Senate and the Congress is to be viewed, more accurately, I believe, in terms of the cumulative impact of this one branch on the course of the Federal Government. The impact is to be seen, for example, in the many-sided efforts which, in the end, produced nearly a \$10 billion reduction in Federal spending in this Congress, largely by cuts in excessive military and overseas activities. Its impact is to be noted in the fact that some of those billions have been rechanneled by legislation into more compelling domestic needs—into education, into health, into the resolution of urban difficulties, poverty, pollution control, and the like. In a very deliberate and responsible way, the Congress acted to bring about this shift without contributing further to inflationary pressures. It cut in one place as it added in another. But the overall appropriations which this Congress votes