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As has been said before, and as has been said by the Senator himself, a nomination for the Supreme Court is not like the confirmation of an Ambassador or an agency head or a Cabinet member because they pretty much serve at the pleasure of, and are an extending arm of, the Executive in our three-party system. But when one gets to the Supreme Court, or the Federal courts for that matter, we are talking about a third co-equal branch of Government. So it is not just a matter of supporting or confirming the nominee of the President of your own party. I think it certainly shows no loyalty or disrespect to the President to reject the nominee if in your mind and heart you think he should not serve in that particular position at all.

I think it is a matter of a man's own conscience. I have exercised mine; I trust Senators will exercise theirs.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. KENNEDY. Mr. President, I, too, wish to join Senators in commending my good friend and colleague from Massachusetts for his statement and comment before the Senate this afternoon.

I think all of us are very much aware that we will reach in the next few weeks an extensive and important discussion and debate on this nomination.

I think the Senator has provided for the membership a very clear, precise, and studious presentation of his views, and a presentation which will be given great weight by Members on both sides of the aisle.

I think the Senator is to be commended, because as pointed out by my colleagues, this is a difficult decision for the Senator both as a member of a party that is in power and as one who recognizes full well the very heavy presumption that goes with any nomination a President makes.

I think you have shown great courage in giving this nomination the kind of thoughtful consideration you have in reaching this decision. I think all of us realize the very significant impact your voice had in the rather crucial times during the discussion of the nomination of Judge Haynsworth. I think your statement here is of significance and importance. I wish to congratulate the Senator for the statement and for the timeliness of the statement. I wish to urge Senators on this side of the aisle to take the time to give it the kind of very careful consideration the statement deserves.

I commend my colleague.

Mr. BROOKE. I thank my distinguished senior Senator from Massachusetts. I also wish to thank him for the fairness of his interrogation during the hearings before the Committee on the Judiciary, of which he is a member. Certainly his incisive questions and the answers thereto were most helpful to me in my consideration of this nominee's qualifications for the Supreme Court.

I wish to add that I am happy to see that the Senator has recovered from his illness and is back in the Senate Chamber again.

I yield the floor.

MAJORITY PARTY'S ASSIGNMENTS TO SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. KENNEDY. Mr. President, on behalf of the majority leader, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The bill clerk read the resolution (S. Res. 361), as follows:

S. RES. 361

Resolved, That the following shall constitute the majority party's membership on the Select Committee on Equal Educational Opportunity, pursuant to S. Res. 359 of the 91st Congress: Walter F. Mondale (chairman), John McClellan, Warren G. Magnuson, Jennings Randolph, Thomas Dodd, Daniel Inouye, Birch Bayh, William Spong, Jr., Harold Hughes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, one of the most important decisions which the Senate reached during the consideration of the elementary and secondary education amendments last week was to establish a select committee of the Senate, whose purpose, in the wording of the resolution itself, is to study the effectiveness of existing laws and policies in assuring equality of education opportunity, including policies of the United States, with regard to segregation on the ground of race, color, or national origin, whatever the form of such segregation and whatever the origin or cause of such segregation, and to examine the extent to which policies are applied uniformly in all regions of the United States.

I am happy to report to the Senate that the Democratic steering committee met today and selected nine outstanding members of the majority to serve on the select committee, including, as chairman, the Senator from Minnesota (Mr. MONDALE), and as members, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Virginia (Mr. SPONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. INOUE), the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Connecticut (Mr. DODD), and the Senator from Iowa (Mr. HUGHES).

In my opinion, Mr. President, this is an excellent choice of Senators who will, I am confident, be sensitive to the heavy responsibilities placed upon them by membership upon the select committee.

Mr. BYRD of West Virginia. Mr. President, as an ex officio member of the steering committee, I wish to take occasion at this time to say that the choice of the Democratic Members who will serve on this select committee is a very excellent one throughout. Geographically, they have been selected with due consideration being given to all parts of the Nation. They come from the West, the East, the North, the South, a border State, the Midwest.

I think also that, from the standpoint of seniority, those Democrats who will make up the select committee represent Members who have served long in this

body while at the same time there are Members who are among the more junior Senators with respect to service in this body.

Finally, from the standpoint of philosophy, Mr. President, it seems to me that the selection which has been presented to the Senate represents a very careful choice of Democratic Senators who will reflect a feeling ranging from the conservative to the liberal and with no Member representing an extreme in either direction.

So, Mr. President, I compliment the Senator from Minnesota (Mr. MONDALE) on the idea of having a select committee created. I think that his selection as chairman is a good one. As the author of the resolution which created the select committee, he, of course, is deserving of the honor that has been accorded to him by the select committee.

I believe that this select committee can and will perform a great service to the Senate and to the Nation.

I have confidence in its Democratic members because I think they are all even minded, even tempered, reasonable, knowledgeable, capable, fair individuals. I think that first and most of all they will want to serve the cause of public education in the Nation.

I trust that out of their diligent efforts there will come a very clear, well-reasoned, well-balanced opinion which can guide this body in its future deliberations dealing with the thorny problems that concern public education. Quality education has suffered in recent years because it has too often been made secondary to the cause of forced integration. Integration will never work unless it be purely voluntary, and it should never become the primary purpose for the existence of a public school system. Unfortunately, integration has lately been accorded such inflated importance on the part of some of our government leaders—politicians, judges, and bureaucrats—that public education, as a consequence, has been impaired and the schoolchildren, black and white, have suffered. Moreover, as a result, a better understanding and good will between the races have not been promoted, but, quite to the contrary, racial frictions have increased.

I hope that the minority members of the select committee, when they are announced, will reflect the same good geographical and philosophical balance as has been reflected in the Democratic makeup of the committee. If this proves to be the case, I think we all can have proper cause to expect that the committee's work eventually will culminate in the kind of report that will insure a saner course than that which has been pursued in recent years and which, if continued, will destroy quality education and the public school system in many parts of this country.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE OIL IMPORT PROGRAM

Mr. KENNEDY. Mr. President, President Nixon's refusal, despite the recommendations of a Cabinet task force, to