

U. S. Congress

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
SECOND SESSION

VOLUME 116—PART 9

APRIL 13, 1970, TO APRIL 21, 1970

(PAGES 11271 TO 12656)

Other methods proposed and now under investigation: (1) Electrical or chemical barriers to prevent the spread along the reef. (2) Biological control efforts, i.e., production of larvicides or disease organisms that attack the starfish.

FUTURE PLANS

Representatives from the University of Hawaii and the University of Guam have been invited to attend an *Acanthaster* workshop in October, sponsored by the American Institute of Biological Sciences. The purpose of this meeting is to review research already done, and evaluate what could and should be done about the problem in the future.

Hopefully one of the results of this meeting would be to schedule and find funding for a larger meeting on an international level that would bring together the efforts and resources of many nations to attack the problem. The SPC should be vitally interested in supporting such a meeting and send representatives to it.

In conclusion, the SPC must be aware of the starfish problem, and the danger it poses to us.

We must urge our scientists to continue their investigation of the problem and we must be prepared to support financially their labour and the control methods they may recommend.

THE PRESIDENT'S RETREAT ON SCHOOL INTEGRATION

Mr. MONDALE. Mr. President, I am deeply troubled by the lack of firm direction shown by the President in his recent message on school desegregation. In 1954, the Supreme Court stated that public education was a "right which must be made available to all on equal terms." Today, 16 years later, millions of Americans are still denied that right. Our Nation, now facing the question of how to correct this injustice, desperately needs firm leadership from its elected officials.

However, the disturbing contradictions of administration policy have not been resolved, but compounded. President Nixon has said he will abide by Supreme Court decisions, yet has attempted to influence judicial opinion on desegregation. The President insists that the law prohibiting *de jure* segregation will be upheld, yet he opposes busing and offers no alternative for complying with the law. The President recognizes that the dual school system must be ended "at once," yet would continue to rely upon the "good faith" of local school districts. He cautions against burdening our schools with "a multiracial society which the adult community has failed to achieve." But, he also observes that the school is a place "not only of learning, but of living," where a child learns to "measure himself against others, to share, to compete, to cooperate." Surely if we are ever to build a free and open society, we must start by ending the damage done to young minds by discrimination and racial separation.

Perhaps the greatest weakness of the message is its unwillingness to acknowledge the relationship between equal educational opportunity and school desegregation.

Unfortunately, this administration advocates doing merely what the law requires, not what the situation demands. Political strategy has been placed above moral obligation. The President's remarks on desegregation have elicited

alarm from many quarters, both liberal and conservative.

A recent article analyzing the President's message in *Time* magazine concluded that—

While the President might have renewed his dramatic post-election "bring us together" promise in a television address or speech to a joint session of Congress, he produced instead a dry legalistic document, filled with debating points and lacking urgency or compassion.

I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

Mr. President, we are already beginning to see the results of the President's message. The *Wall Street Journal* reported last week that efforts to desegregate the schools in Wichita, Kans., have been crippled as a result of the message:

The long term prospect for this south-central Kansas City is more racial separatism, unless the courts should eventually decree otherwise. Schools already integrated on the black ghetto's edge are expected to turn blacker, until Wichita returns, in essence, to the dual school systems it once operated as a matter of law.

The president of the Wichita School Board put the effect of Nixon's message in a nutshell when he said:

But in light of the President's message, progressive school board members are left without the support of Federal Government policy which they have had for 10 to 12 years now.

Mr. President, I ask unanimous consent that the *Wall Street Journal* article of April 6, entitled "Nixon's Busing Stand Stymies Integration in One 'Heartland' City," be printed in the RECORD.

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

CIVIL RIGHTS: DESEGREGATION YES, INTEGRATION NO

Unquestionably, it was time for Richard Nixon to be heard from on the subject of school desegregation. The Administration's attempt to delay court-ordered desegregation in Mississippi, the firing of a determined liberal who headed HEW's civil rights division, the President's own repeated criticism of busing children to force integration—all had raised confusion about just where the White House stood on one of the nation's most serious and emotion-laden issues. In an 8,000-word statement, the President last week delivered his message: desegregation yes; integration no. Where official barriers to desegregation exist, Nixon would oppose them. Where positive measures are required to promote racial balances, he would demur.

Lawyer Nixon carefully reviewed the judicial decisions involving desegregation, beginning with the Supreme Court's historic 1954 *Brown v. Board of Education* ruling. He concluded that where segregation exists *de jure*, by law or manipulation by authorities, the impediments must be removed. "There is a constitutional mandate that dual school systems and other forms of *de jure* segregation be eliminated totally," he said. Even in those cases, however, he argued that school boards should have some flexibility to meet their special problems. Where segregation exists *de facto*, as a result of housing patterns, the Supreme Court has not yet insisted on affirmative action to ensure school integration. Said Nixon: "*De facto* segregation, which exists in many areas both North and South, is undesirable but not generally held to violate the Constitution."

NO MORE THAN NECESSARY

While the President reaffirmed his belief that the Brown decision "was right in both constitutional and human terms," he emphasized that he does not intend to press any harder toward desegregation than the Supreme Court requires. In a characteristic bit of Nixonian philosophy, he observed: "If we are to be realists, we must recognize that in a free society there are limits to the amount of coercion that can reasonably be used."

Nixon went on to spell out some of the policies that he has directed his Administration to follow. Overall, they reflect his willingness to have desegregation brought about at the local level whenever possible, rather than imposed from Washington. "Primary weight," he said, "should be given to the considered judgment of local school boards—provided that they act in good faith and within constitutional limits." Neighborhood schools "will be deemed the most appropriate base" for an acceptable school system, and "transportation of pupils beyond normal geographical school zones for the purpose of achieving racial balance will not be required."

Nixon did add a sweetener. He proposed that \$1.5 billion in federal funds be made available to "racially impacted areas" over the next two fiscal years to help desegregating school districts meet their special needs for classrooms, teachers and teacher training—and to improve the quality of education "where *de facto* segregation persists." Some of the money would also be used to explore "innovative new ways of overcoming the effects of racial isolation." These would include integrated activities with children from other schools, ranging "all the way from intensive work in reading to training in technical skills, and to joint efforts such as drama and athletics."

What effect would Nixon's pronouncement have on segregation now? Most experts agreed that since Nixon stuck to existing court decisions, the results would be greatest in the rural South, where *de jure* segregation persists in some areas. Once that ended, so would all school segregation there, since residential segregation is negligible. In larger Southern cities, the consequence could be a marked slow down in desegregation, since putting an end to *de jure* segregation alone would still leave neighborhood schools reflecting the extensive housing segregation of the urban South. In such cases, where there is both *de jure* and *de facto* segregation, Nixon would eliminate *de jure* segregation "without insisting on a remedy for the lawful *de facto* portion." Northern *de facto* segregation would continue unless the Federal Government insisted on the kinds of limited, part-time integration that Nixon proposed.

Beyond that, there were some inconsistencies and elisions in the statement. While Nixon noted that the number of black children in desegregated Southern schools doubled in 1969 from fewer than 600,000 to nearly 1,200,000—40% of the black school population—he neglected to say that this achievement resulted from enforcement of the federal guidelines that his Administration has now abandoned. He quoted a Supreme Court ruling that dual school systems must be terminated "at once," but then he spoke of allowing Southern school districts the opportunity to demonstrate "good faith." In fact, authorities in most of the old Confederacy have desegregated as slowly as federal pressure would allow.

MALIGNANT CYCLE

Yale Law Professor Alexander Bickel, whose writing on desegregation Nixon admires, had doubts about that phrase. "I trust that Nixon doesn't mean that you can have a district where nothing has been done excused because it has shown good faith," he said. But Bickel found the message "hardheaded and

well-intended, a fair statement of the case law and a realistic appraisal of the situation." Johns Hopkins' Dr. James Coleman, author of a well-known study on the educational effects of integration and an expert whom Nixon consulted before issuing the statement, disagreed. "I think the consensus of recent court decisions is stronger than the message," said Coleman. "I was quite disappointed in the enforcement section." Both Bickel and Coleman, however, welcomed the pledge of \$1.5 billion. No one knows where that money is coming from or exactly how it will be apportioned. "That has not been finalized yet," Nixon told Senator Edward Kennedy last week.

Perhaps the gravest flaw in Nixon's argument was his conclusion that past desegregation policy "all too often has proved a tragically futile effort to achieve in the schools the kind of multiracial society which the adult community has failed to achieve for itself." It is indeed possible that too much has been made of the school's role. But Nixon himself observed that the school "is a place not only of learning but also of living—where a child's friendships center, where he learns to measure himself against others, to share, to compete, to cooperate." If Nixon is to meet his stated goal of "a free and open society," with equal opportunity for blacks and whites, there must be significant changes in hiring, housing practices, higher education and other vital sectors. Still, in the broadest human terms, perhaps the best place to break the malignant cycle of discrimination and racial separation is in the schools, among young children.

COURT INTERFERENCE

Nixon shrewdly made use of some black complaints when he denounced the "smug paternalism" of whites who assume that a black school is automatically inferior to a white one. That assumption, he said, "inescapably carries racist overtones." Black separatists, in fact, do favor having their own schools, and some others have become skeptical of integration as a panacea. But most blacks still want it, or at least demand a genuine choice in the matter (see EDUCATION). Marian Wright Edelman, director of the Washington Research Project, found Nixon's "appeal to black separatists' feelings" clever but irrelevant. "In effect," she said, "this is a separate but equal policy, nothing more than an endorsement of continued segregation." As New York Psychologist Kenneth Clark saw it, "This is a denuding, a significant slowing down of the momentum that has been building all too slowly since 1954."

AN APPALLING COMMENT

Nixon's statement is a political document, clearly aimed at placating his key constituencies in Northern suburbs and Southern cities, which will be least affected by the course he aims to take on desegregation. It bears the stamp of a top White House political aide, Harry Dent, a Southerner whom he inherited from South Carolina's Strom Thurmond. Not only did Nixon avoid consulting his Commissioner of Education, Dr. James Allen, a liberal New York Republican, but the White House also dissuaded Allen from releasing an earlier memorandum of his own, expressing the view that integration is essential to equal opportunity in the schools.

Allen's advice would have done Nixon little good, since the President had set out to influence the long-range trend of judicial decisions on desegregation, a trespass on the separation of powers doctrine in spirit if not in law. He denounced at some length the ruling of a Los Angeles trial judge in a lawsuit that is still in progress. Nixon described as "probably the most extreme judicial 'decree so far' a Superior Court command that the city school district establish nearly precise racial balance throughout its 561-school

system. (Coleman calls Los Angeles "a smug Northern district that hasn't done a thing about the segregation there.") Superior Court Presiding Judge Joseph Wagner, who did not take part in the Los Angeles ruling, found it "appalling that the President would use his office to comment on a case pending in our courts."

Nearly a century ago, the era of Reconstruction after the Civil War ended with the Compromise of 1877. Southern Democrats broke an electoral deadlock and allowed Republican Rutherford B. Hayes to become President in exchange for removal of federal troops from the last two occupied Confederate states, Louisiana and South Carolina. Now President Nixon has proclaimed the Compromise of 1970 in order to soothe the South and placate resentful whites elsewhere. By political measurements, he is accurately responding to a prevailing mood. While the President might have renewed his dramatic post-election "bring us together" promise in a television address or a speech to a joint session of Congress, he produced instead a dry legalistic document, filled with debating points and lacking urgency or compassion.

NIXON'S BUSING STAND STYMIES INTEGRATION IN ONE "HEARTLAND" CITY (By Monroe W. Karmin)

WICHITA.—Here in this typical American "heartland" city, President Nixon may have set in motion forces that will permanently segregate the elementary school system—a system that has been moving toward racial integration.

The President's recent statement on school desegregation endorsed the neighborhood school concept, promised that busing children to achieve racial balance "will not be required" and noted that "de facto" (housing pattern) segregation "does not violate the Constitution."

Thus, Mr. Nixon delivered potent new ammunition to Wichita's anti-busing white parents, crippled the pro-busing white integrationists and outraged the black community. And there is utter disarray on the all-white school board, which has long been agonizing over how to cope with the accusations of Federal civil rights enforcers that, even though legal segregation here ended years ago, its effects remain.

"We don't have a consensus on anything now," moans board member Darrell Kellogg. "The board has reached the point where it no longer can lead the community toward integration." Indeed, the board will meet tonight, and, in all likelihood, it will scrap an integration plan adopted only three months ago.

This plan proposed the busing of fourth, fifth and sixth graders from seven black ghetto schools to white schools starting in September. Though Mr. Nixon did not prohibit local school boards from busing if they so desired, his message did equip busing opponents here with a new weapon. Now, says board president Robert Davis, "we'll probably have to rescind that plan. It puts us back to a segregated school system, because of housing patterns."

THE NEW SEPARATISM

If Mr. Davis is right, and many people here believe he is, the long-term prospect for this south-central Kansas city is more racial separatism, unless the courts should eventually decree otherwise. Schools already integrated on the black ghetto's edge are expected to turn blacker, until Wichita returns, in essence, to the dual school systems it once operated as a matter of law.

The new separatism will be different, however: The black community will want a greater voice in the affairs of, and perhaps control over, its neighborhood schools.

"We may have to apply a modified Roy Innis plan to Wichita," suggests Matt Greene,

a spokesman for the Black United Front here. "We'd split Wichita so that it would have two separate school districts, each with its own board of education." Roy Innis, national director of the Congress of Racial Equality in New York, has proposed, in effect, separate school systems for blacks and whites, with blacks controlling their own schools.

Something similar, though not quite that dramatic, is envisioned as a possibility by Dr. James Donnell, the white chairman of the Wichita school board team that had been earnestly trying to work out a desegregation plan with the Department of Health, Education, and Welfare in Washington. Now that desegregation appears stymied, Dr. Donnell says the next move may be to "decentralize our system" and "try for more local control."

Donald Newkirk, the school board's white civil rights attorney, is looking in the same direction. "I think (separate systems) are entirely possible," he says, "and maybe that's not so bad, if the focus gets on the quality of education and not on the color of the faces in the classroom."

The Wichita whites who oppose busing view President Nixon's desegregation stand as a great victory. "People like to stay where they are, with their own kind," says Doug Myers, an oil company engineer who masterminded an anti-busing campaign. "I don't think we'll ever have much change here in Wichita for years and years to come, if ever."

A QUIET START

Wichita's black population (15% of the 290,000 total) lives in a 100-block ghetto in the northeast sector. Only last fall did the school board initiate desegregation, beginning at the junior and senior high school level. About 3,000 black students were bused to white schools throughout the city. Curiously, little protest arose from the white community—perhaps because, there being no senior and only one junior high school in the ghetto, black students had long attended high school in the white world, though most walked rather than rode buses.

Perhaps the white calm simply was the result of unawareness. Says Robert Hall, who heads an anti-busing group called the Committee for Preservation of Neighborhood Schools; "I just wasn't aware that the secondary school busing was compulsory; I thought it was voluntary."

When HEW pressed the city to get on with elementary school desegregation, the board attempted to comply by suggesting a similar step: The busing of some 2,150 black fourth, fifth and sixth grade pupils to white schools. This plan contemplated making other use of the two elementary schools to which black children had been assigned in the old dual-system days; the five other ghetto schools would accommodate black kindergarteners through third-graders.

But then HEW dropped the bomb: It ruled that to bus only blacks was "discriminatory" and noted that five ghetto schools would remain all-black and segregated. The department moved to cut off \$5.5 million in annual Federal aid unless Wichita figured out a more equitable way to desegregate.

That raised the prospect of cross-busing—not only transporting black pupils out of the ghetto but transporting white pupils in. And this prospect jolted Mr. Myers, Mr. Hall and many like-minded whites into a massive telephoning, advertising and letter-writing campaign. "Everybody was asleep at the switch, because the bus driver wasn't stopping at his door," says Mr. Hall. "When they became aware that this might happen, then everybody got aroused. I don't want my children marrying Negroes." Mayor Donald Enoch even protested to Mr. Nixon personally, at the President's Urban Affairs Council meeting in Indianapolis in February.

An HEW spokesman in Washington contends the President's desegregation statement

of two weeks ago works "no change" in the department's attitude toward Wichita. Mr. Nixon did reaffirm the Supreme Court's 1954 prohibition against de jure (legal) school segregation, and HEW charges that today's segregation here derives from legal acts of years ago. HEW Secretary Robert Finch is to give his views on desegregation at a press conference tomorrow.

Yet, school board attorney Newkirk, who argues that Wichita's segregated schools result from housing patterns and not discriminatory acts, believes he has won an important gain. "It's hard for me to see how Secretary Finch can withhold funds from us and be consistent with the President's message," he declares.

HEW and Wichita, therefore, are still at odds. Mr. Nixon notwithstanding. What's more, the school board majority favoring integration now believes that the President, by upholding the neighborhood school and opposing busing, has sabotaged the one consensus plan that 10 of the 12 board members could agree upon: The transportation of black fourth, fifth and sixth graders away from their neighborhoods to white schools.

"I really felt we were on the verge of getting past the tough decisions on this," laments board president Davis. "But in light of the President's message, progressive school board members are left without the support of Federal Government policy which they have had for 10 to 12 years now."

"It would have been minor busing of whites," he adds, "so the white community wouldn't have gotten into an uproar." Without this maneuverability, Mr. Davis contends, the black ghetto will push outward as Wichita's black population continues to expand, and neighboring whites will continue to flee.

If this happens, racial separatism could become complete in Wichita's grade schools, and there are those who believe that the President's statement gave a strong shove in that direction. "It's a whole new ball game now," opines board member Kellogg. "We have the black militant who is saying 'Give us control of the schools,' and this only serves to feed the segregationists who resist."

To Mrs. Edwina Collins, an integrationist board member, the choices now have been made clear. "If we can't go toward integration," she says, "then the rational alternative is to put more resources and control of black schools into the hands of black people."

Thus, as the full import of Mr. Nixon's message is understood, a deepening despair afflicts integrationists of both races. Attorney Bell insists that the reluctance of his fellow whites to accept integration more willingly "is a manifestation of a very deep-rooted racist attitude."

BLACK VIEWS

From the black community, Hugh Jackson, who heads the city's Urban League, is angered but not surprised by the President's position. "I expected him to be consistent," Mr. Jackson declared, "and he was—consistently against black folks." But the Urban Leaguer retains hope that the courts will rule against de facto school segregation.

Less sanguine is Chester Lewis, former local director for the National Association for the Advancement of Colored People (he filed the original segregation complaint with HEW) and now a militant in the Black United Front. He is outraged: "The President showed his complete and unswerving loyalty to the white racist forces in this country. The white community is intransigent, immovable, it won't give a crumb. . . . I've lost faith."

Yet elsewhere in Wichita, now that the President has spoken, there is much pleasure among those white citizens who don't believe racial integration is worth the effort and expense of busing—especially "forced" busing—of children, black or white, from their neighborhood schools.

"I liked the President's statement very much," says Ed Palmer, a roofer. "We're willing to abide by everything he says. Everyone I've talked to agrees with Mr. Nixon's common sense approach. We're all against compulsory busing, even for black children. We really have compassion for those black parents, too."

To Mrs. Kathy Klassen, the mother of three, the Nixon message is a godsend. The thought of her children being bused to black schools transformed the comely blond beauty-shop operator into a one-woman dynamo. She placed telephone calls to President Nixon, Vice President Agnew, Kansas Gov. Robert Docking and as many other Federal and state officials as she could think of. For a time, Mrs. Klassen provided pen and paper for every customer in her shop to write protest letters. She even vowed that she would "lay down in front of the bus" if they tried to transport her children from the neighborhood school.

Now she doesn't think that will be necessary, thanks to Mr. Nixon. "Marvelous," Mrs. Klassen says. "I don't think you can take away too many freedoms from people. I felt the Government finally took a step forward instead of backwards. The President restored my hope."

THE TRUTH ABOUT BEEF SUPPLIES AND BEEF PRICES

Mr. HRUSKA. Mr. President, on April 9, the junior Senator from Wyoming and several of his colleagues, including myself, discussed on the floor a highly unusual report drafted by a House subcommittee, calling for the Federal Government to move in on the beef industry in a big way—to manipulate its operation, to attempt to influence prices from the ranch to the meat counter, and to import more foreign beef if necessary to augment our home-grown supply.

Among the unusual aspects of this proposed report was the fact that it came from, of all places, a special studies subcommittee of the House Committee on Government Operations, headed by Representative MONAGAN of Connecticut. Another unusual aspect was the fact that the Associated Press had a complete copy of it but copies were never made available to other interested parties.

On the day of our discussion of the proposed report on the floor of the Senate, the proposal was reported to have been killed by the full committee.

It did serve to direct the glare of publicity briefly upon a problem which is critical for all of us, from Connecticut to Nebraska and beyond. That is the constant precarious state of the housewife's pocketbook.

This is an issue we can all take to heart, and if for an unlikely moment we were to forget our duty to the American consumer, our constituents would certainly remind us of it. Thus we are all interested in any reasonable and workable method of holding prices down.

The periodic sniping at beef prices without factual support to back up politically motivated contentions, however, disturbs me considerably because there are so many more justifiable targets.

As a matter of fact, during the past 10 years the price of beef has not nearly kept pace with the rest of the economy as prices have spiraled rapidly upward.

Despite the fact that beef prices have risen recently, beef is still the best bargain in the food stores.

In the 10-year period 1960-70, the average consumer price index of all items rose 28.5 percent and the cost of food items rose 29.6 percent. Average hourly earnings rose from 45 to 63 percent during that period.

So much for beef prices. While we in Nebraska are, of course, concerned with beef prices, we are more concerned with cattle prices. Nebraska farmers and ranchers do not sell beef; they sell cattle. So let us take a look at what happened to cattle prices during the same 10-year period, 1960-70.

The price of choice steers increased 15.3 percent; the average price per hundredweight of choice beef carcasses rose 6.3 percent, and the average price per pound of choice beef at retail rose 20.7 percent. It looks very much, therefore, as if we have many, many more serious inflationary problems than the price of cattle.

We must also consider the question of supply, because implicit in this entire criticism of beef prices is the argument that domestic beef producers cannot meet our constantly rising demands, and that unless we open our ports to more foreign beef, the Nation will face a beef shortage by 1975.

This argument will not stand up in the light of the facts. The domestic beef industry has repeatedly demonstrated it can and will supply consumers with the quantity of beef they want and need. It is important to note that the cattle feeding and producing industries, although operating in a marginal or submarginal profit climate, increased beef production from 14.75 billion pounds in 1960 to 20.95 billion pounds in 1969, an expansion of 42 percent.

It would seem rather obvious that an industry which has demonstrated such an admirable capability for expansion can handily expand its scope still further to produce the estimated 25.3 billion which would be necessary to support the population in 1975.

In 1969, 110.6 pounds of beef per capita were consumed in the United States. Arguments are offered that consumption of beef in foreign countries is considerably higher, indicating that the U.S. production has not reached its potential. Such arguments ignore the fact that our beef consumption is augmented by consumption of a wide variety of other meat products—consumption which in 1969 amounted to 3.4 pounds of veal per capita, 3.4 pounds of lamb and mutton, and 64.8 pounds of pork. In addition, the average American consumed 47.6 pounds of poultry and 11 pounds of fish. This makes a grand total of 240.8 pounds of high protein food per capita.

I submit that the beef industry in this country has long played a major role in insuring that Americans are the best fed of all the world's peoples. It is an industry which is fully capable of continuing to meet the most optimistic needs of the American consumer.

But I believe the record is not well served by irresponsible and misguided