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urally arises: Can our Nation, in the middle of a national effort to control inflation, impose a tax which would raise the price of almost every item consumed?

While an objective of the imposition of a national sales tax would be to relieve property taxes, one must remember that no one has said that the property tax will be eliminated. If this national sales tax is imposed, American taxpayers would be burdened with two regressive taxes, the property tax and the national sales tax, instead of only one. Would this really relieve the heavy tax burden?

Mr. President, proponents of a national sales tax make a number of claims concerning its virtues. I ask that we examine these assertions most carefully.

National sales tax proponents claim that it is a hidden tax. They say that it is effective because people do not realize that they are paying the tax as they make each purchase. I submit, Mr. President, that it is fundamentally dishonest to attempt to hide a tax from those who pay it. Each American has a right to know exactly how much he pays to support his Government. To hide one tax from him while claiming to relieve the burden of another is nothing short of fiscal charlatanism.

Furthermore, Mr. President, I do not believe that we can hide a tax from the American people, and certainly not this tax. Each consumer will know that he is paying the national sales tax, and low and middle income people will know it much better than the rich. They will know that their dollars for food, medicine, and other necessities will not go as far. This tax will not be hidden from the elderly; they, especially, will feel the burdens of this latest form of Government-generated inflation. This tax will not even be hidden from the governments themselves because they will have to pay more for each item purchased, and so we are back to the taxpayer who will bear a heavier tax load to support increased costs of Government operations.

Proponents of a national sales tax say that U.S. exports would increase if we could follow the European practice of remitting taxes on goods sold abroad and that a national sales tax would enable us to do this. A number of tax experts dispute these claims. The issue is murky, at best.

I, however, have a more fundamental question about foreign trade advantages of a national sales tax. We have been told that the devaluation of the dollar would provide the impetus we needed to expand exports and reduce imports. Are we now asked to believe that an even greater advantage is necessary to correct our balance-of-payments deficit? Do proponents of a national sales tax really think that foreign nations would stand idly by while American goods gained further trade advantages. All of the rules of GATT notwithstanding, I find it hard to believe that they would.

Mr. President, even if our exporters needed a greater competitive advantage, at what cost to the American people should it be granted? Should, Mr. President, Americans pay higher prices for food and medicine so that an exporter

can sell a few more widgets abroad? Important as foreign sales are to the American economy, I do not believe that American consumers should be taxed so that exporters can make higher profits.

Turning from international trade, Mr. President, have the proponents of a national sales tax examined its impact on the finances of State governments? If a national sales tax is levied, this would preempt a major source of State revenue. Could consumers bear a new national sales tax and continue to pay State sales taxes at present levels? A national sales tax would create the possibility that the States, with their tax bases preempted, may reduce their share of funds for public schools. We would gain little by increasing Federal aid to education while at the same time causing reductions of State aid. This is simply taking funds from the schools and returning them endowed with the holy name of Federal aid.

Mr. President, I do not understand why it is necessary to create this new tax. We do not add a new Federal tax each time we institute a new Federal program. We do not have a space program tax, nor do we have an antipov-erty tax. Why then do we need an education tax? If we must increase taxes to pay for new programs, we have an adequate Federal tax structure to raise additional revenues. I do not believe, however, that we must raise taxes in order to increase Federal aid to education. We can, instead, begin to fulfill our rhetorical promises to reorder priorities by increasing Federal aid to education and decreasing outlays for less important items in our budget of which there are many.

In conclusion, Mr. President, we recognize that the Federal Government must help to alleviate the financial crisis which threatens our public schools and in doing so relieve some of the heavy burden of property taxes. But in my judgment, Mr. President, a national sales tax is neither an equitable nor an effective means to accomplish these objectives.

I yield back the remainder of my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Minnesota (Mr. MONDALE) is recognized for not to exceed 15 minutes.

THE EDUCATION AMENDMENTS OF 1971

Mr. MONDALE. Mr. President, next week the Senate will consider S. 659, the Education Amendments of 1971. We are told this will be an antibusing debate. It should not be.

S. 659 represents a historic effort to meet the growing educational needs of this Nation.

S. 659 would provide a dramatic and badly needed new program of assistance to students and institutions of higher education. It would provide a new program of aid for the education of American Indian children attending public schools. And it contains the provisions of

S. 1557, the Emergency School Aid and Quality Integrated Education Act, to provide financial help, on a completely voluntary basis, to school districts desegregating under Federal court order, under title VI of the Civil Rights Act of 1964, under State law, or as a matter of wholly voluntary local education policy.

These programs all have passed the Senate before by overwhelming margins. They do not require any school district to bus a single student. They do not require any school district to desegregate a single school.

Title VI of the bill, the Emergency School Aid Act, does offer to help local school districts meet the additional cost—including the cost of transportation—of educationally successful integration. But funds for transportation will be available only upon request of local school districts, and only where the transportation is required under the Constitution or State law, or adopted as a voluntary local educational decision.

School desegregation is a fact of American educational life. The law of the land is clear, and it will not change. Officially imposed school segregation—whether the result of State law or covert policy—must be overcome.

A unanimous Supreme Court resolved any lingering doubts last April with Chief Justice Burger's landmark decision in *Swann* against Charlotte-Mecklenburg. A racial balance is not required. All-white or all-black schools may remain after all reasonable steps have been taken. But every reasonable effort must be made to overcome the results of officially approved school segregation—whether the result of State law or official policy:

School authorities should make every effort to achieve the greatest possible degree of actual desegregation. . . .

And reasonable transportation will be required where necessary to defeat the results of racially discriminatory student assignment policies. In the words of the Court:

We find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.

Nothing we do here next week will reverse 18 years of unanimous rulings by the Supreme Court, or alter 14th amendment requirements.

The Senate has faced this test before. Almost every year since the Civil Rights Act passed the Congress in 1964, we have confronted at least one major effort to cripple Federal support for school desegregation.

In addition, this year we may be asked to vote on a constitutional amendment designed to virtually repeal the 14th amendment and end school integration. I have opposed all such efforts in the past. I oppose any such constitutional amendment, and I will continue to oppose any legislative effort which is designed to impede compliance with the Constitution or deny school districts the resources necessary to carry out the mandates of the Federal courts.

I have opposed such legislation in the past because I believe we cannot permit

continuation of officially imposed school segregation—whether sanctioned by State law, or by the express or covert policies of school districts or other public agencies.

I have opposed such efforts because I believe that quality integrated education—sensibly achieved, and with community support—is one of the best hopes for the education of our children, and the future of divided communities throughout this Nation.

Now we are asked to fight those same battles all over again. And we are hearing the same arguments about thousands of children riding buses for long distances, about the disruption of public education, about what the Supreme Court has said or has not said, about what polls show is popular or unpopular, about the need to concentrate on quality education instead of desegregation.

We have also heard legitimate and concerned criticism regarding the process of school desegregation.

Some court orders have at times been arbitrary.

Some student transportation has in a few cases worked unnecessary hardships.

Some Federal administrators have been overbearing and rigid. And there are other equally legitimate criticisms which we have heard less often:

Thousands of qualified black teachers and administrators have been demoted or dismissed.

Too often black children have been subjected to abuse by fellow students, by teachers and by school administrators.

Too often the wealthy have fled to suburbs or placed their children in private schools, so that desegregation has affected only the poor.

And confusion exists as to some of the legal issues involved.

But we will not answer these criticisms by refusing the Federal support needed to make school desegregation educationally successful, or by withdrawing the Federal Government from enforcement of the 14th amendment.

Mr. President, we do have a choice to make—not only for ourselves, but for our children and for future generations of Americans. That choice is not between blind acceptance of massive busing for racial balance or total rejection of support for any transportation to achieve school desegregation.

Busing is the means—and at times the only means—by which segregation in public education can be reduced. But in itself, busing can be either helpful or harmful.

It can be the safest, most reasonable way for children to reach integrated schools of high quality. Or it can be used to uproot stable communities, and destroy the one chance that parents have to provide the best for their children.

Like the President, I do not support unnecessary transportation to achieve an arbitrary racial balance. None of the hundreds of educators with whom I have talked in the past 2 years supports this kind of effort. And the Supreme Court has made it crystal clear that busing will be required only where it is reasonable and does not place undue burdens on schoolchildren. In the words of the Court:

Busing will not be allowed to significantly impinge on the educational process.

Nor do I believe that educationally advantaged students should be bused to schools where they will be overwhelmed by a majority of students from the poorest and most disadvantaged backgrounds. All the evidence we have collected indicates that this kind of desegregation helps no one at all.

But if we bar the use of reasonable transportation as one tool for achieving desegregation, we will set in concrete much school segregation which is the clear and direct product of intentional Government policy—segregation which would not exist if racially neutral policies had been followed in the first place.

In South Holland, Ill., for example, a U.S. district court found public agencies deeply involved in fostering school segregation.

First, schools were located in the center rather than at the boundaries of segregated residential areas in order to achieve school segregation.

Second, school assignment policies were adopted under which black children living nearer to white schools attended black schools, and white children living nearer to black schools attended white schools.

Third, schoolbuses were used to transport students out of their neighborhoods in order to achieve segregation.

Fourth, teachers were assigned on a racial basis.

All of these practices contributed to the growth of segregated schools within segregated residential areas in South Holland. And if transportation to achieve desegregation is prohibited, public school segregation in South Holland will continue—because the location of schools to achieve segregation has both exploited and fostered residential segregation so that effective desegregation cannot be achieved by any other means.

The courts have found virtually identical conditions in Norfolk, Va.; Pasadena, Calif.; Charlotte, N.C.; Denver, Colo.; and countless other communities.

And contrary to popular impression, courts just have not generally ordered excessive busing or engaged in indiscriminate racial balancing. The proportion of children riding buses to school in the Deep South is less than 3 percent above the national average, and barely 7 percent above the average for the Northern and Western States. And recent HEW studies show that aggregate busing has not increased as a result of desegregation. In Louisiana and Florida, although the total number of students bused has increased, the average distance traveled has decreased substantially.

And in the South's 25 largest school districts this year, 33 percent of the total black enrollment attend virtually all-black schools. This hardly indicates overzealous racial balancing.

Mr. President, the question before us is whether we are going to try to understand and deal realistically with the legitimate concerns—and the irrational fears—which surround this explosive issue, or whether we will abandon the courts and countless school districts to their own resources.

We have only two choices. We can assume our share of the burden. We can begin to ask the right questions—not whether we should resist school desegregation, but how we can best work to assure that school integration is conducted in a sensible, educationally beneficial manner. We can fulfill the commitment to equality of opportunity which we have made in the past. We can build on the hopeful examples of successful integration, help the courts avoid educational mistakes, and make school desegregation work.

Or we can stand in the schoolhouse door. We can resist the rulings of the Supreme Court and the advice of educators. We can abandon all the efforts of the past 17 years to eliminate discrimination and end racism—in pursuit of a policy of national resistance toward what the Constitution requires and what each of us knows to be morally right.

If we refuse to help, the results are predictable—more disruption of public education, more racial bitterness, and a continuing loss of respect for ourselves and for the integrity of our Government.

Mr. President, for nearly 2 years, I have served the Senate as Chairman of the Select Committee on Equal Educational Opportunity. It has been a painful 2 years for me, and I believe for other members of the committee as well. We have heard almost 300 witnesses on the issues which the Senate confronts today. And we have learned a great deal about success and failure in American public education.

We have tried to look deeply into the workings of public education in all parts of this country. We have not concentrated on the South by any means.

And, I am left with a deep conviction—that American education is failing children who are born black, brown, or simply poor.

In Hartford, Conn., the median I.Q. level of black elementary school students is perilously close to eligibility for special schools for the mentally retarded.

In rural Appalachia, fewer than 50 of every 100 fifth graders graduates from high school.

In New York City, the dropout rate of Puerto Rican children between grades 10 and 12 is 56.7 percent.

Fifty percent of American Indian students never complete high school.

And we cannot ignore the findings of Charles Silberman, Kenneth Clark, and others—that in many instances the public schools are damaging rather than encouraging the intellectual growth of even our most privileged children. And that the gap between the realities of American life and the principle of racial justice—for which we fought a bitter and terribly divisive civil war—is contributing in major part to the growth of a generation marked with a profoundly cynical distrust in the decency of our Government.

There are those who urge us to abandon school integration. They say all our energies should be devoted to improving the quality of education in racially and economically isolated schools.

They rightly point out that thousands of children attend schools that will not be integrated—racially or economically—in the next decade.

Ways must be found to provide better education in schools serving only the disadvantaged. But we have not found those ways. With few exceptions, an annual Federal investment of \$1.5 billion in compensatory education has little perceptible impact on mounting educational disadvantage. We must increase our efforts, but success is far from certain. We cannot afford to abandon other hopeful approaches.

And it has been demonstrated that integrated education—sensitively conducted and with community support—can be better education for all children, white as well as black, and rich as well as poor.

President Nixon recognized this in his March 24, 1970, message on elementary and secondary school desegregation:

We also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve a broad-based human understanding that increasingly is essential in today's world.

And Elliot Richardson, Secretary of Health, Education, and Welfare, testified before the Education Subcommittee:

Every major report or research project dealing with educational problems, indeed of the disadvantaged children, has concluded that educational development, that is, learning, is greatly hindered by homogeneous learning environment. Children learn more from each other than from any other resource of the education environment.

The fact is that integrated education—sensitively conducted and with community support—has been tried, and it is working in countless communities in every section of this Nation. It can and does result in better education for all children, white as well as black, rich as well as poor.

Thousands of black and brown and white students are in classes together in communities like Berkeley and Riverside, Calif.; Raeford, N.C.; White Plains and Niagara Falls, N.Y.; Gulfport and New Albany, Miss.; and Baldwin, Mich. These communities quietly desegregated their school systems—without fanfare, without incident, voluntarily and without coercion or Federal intervention. They did it not because the Constitution requires it but because it is morally and educationally right for all their students.

Other communities have been required under court order to desegregate their schools to correct past discrimination. Some have fought school desegregation every inch of the way—with open resistance, even violence or with years of legal maneuvering and subtle avoidance. But in many communities—Atlanta, Charlotte, Miami, Savannah, and Pasadena—school superintendents, teachers, principals, parents and students are quietly going about the business of education in integrated schools.

Both research and experience show that disadvantaged and minority group children do better in integrated schools, particularly when their classrooms contain a majority of advantaged children.

The massive Federal study, "Equality of Educational Opportunity," known as

the Coleman report, found that the average 6th grade black student in 1965 was 2 years behind the average white student in the 6th grade, 2.6 years behind in the 9th grade and 3.3 years behind in the 12th grade. The report indicates that this gap was substantially reduced by racial and economic integration. Black students in all-black classes were achieving one whole grade level behind black students in classes with a majority of white students, and for 9th grade black students who attended integrated schools in metropolitan areas of the northeast throughout most of their careers, the achievement gap was cut in half.

These findings are supported by the study, "Racial and Social Class Isolation in the Schools" conducted by the New York State Board of Regents.

And integrated education is a demonstrated success in communities throughout the Nation.

Nearly 1,000 minority group students, selected on a random basis, are bused each day from the Hartford, Conn., ghetto to suburban schools, as part of Project Concern. Extensive testing of these children since the inception of Project Concern in 1966 shows that time spent in the suburban schools has a dramatic impact on achievement. Fifth grade students who have been in the program 2 years, are 5 months ahead of those who have been in the project for only 1 year. Those who have spent 3 years in the project in turn, scored another 4 months ahead of the 2-year group or a full academic year ahead of the first group. The chances for a significant gain in basic reading and arithmetic skills have been increased threefold for Project Concern children.

In Berkeley, Calif.—where a major effort has been made to record the educational impact of integration—average achievement of black students increased by 60 percent while the achievement rate for white students also rose.

Although relatively few integrated districts have undertaken comprehensive testing programs, similar results emerge from less comprehensive testing programs in Sacramento, Calif., and White Plains and Rochester, N.Y.

School superintendents from these and other communities have told the committee of their impressions of integrated education. Some are undertaking it voluntarily. Others were compelled by court order. None would turn the clock back to separate school systems. Listen to the words of just a few:

Dr. Elbert Brooks, the superintendent in Nashville, Tenn.:

I cannot accept the argument which many give that we are ruining our school system by integration. I think that there are many factors in favor from an educational standpoint and from a social standpoint of integrating schools.

Dr. David H. Porter, Harrisburg, Pa.:

You had to witness firsthand the fact that 2 years ago students and teachers were merely accepting a certain methodical, dullness about education. Students went to school not really to learn and teachers not really to teach. It was merely a place you were supposed to be for 5 days a week . . .

We probably would not have admitted to any failure because we probably would not have recognized it.

It's strange the way a school system can die before your very eyes as you mistake the death rattle for the sound of children learning. The cycle had to be broken . . .

The mandate from the State Human Relations Commission to eliminate de facto segregation, though castigated by many, may well have been precisely the right thing at the right time. Not only did it wake us up to our responsibilities in race relations but it made us aware of the educational and administrative flaws that were permeating our entire system.

The change has been dramatic. Walk into an early childhood center or an elementary school and look at the faces, hear the sounds, watch the kids at work and play. You can't show it on paper yet, but down inside, you know it's working.

Dr. Wayne Carle from Dayton, Ohio:

The sins of the school are partly those of society but they are also those of educators, school boards, and legislatures that have failed to correct inequity and injustice. We must confess the devastating results of racial and economic isolation in the schools. We can no longer kid you that compensatory education will overcome the effects of putting poor children in poor schools with poor programs and poor results. Nor can we say that affluent students in affluent schools with college prep courses are being saved from drugs or being prepared for life in a multi-ethnic society.

If the Members of Congress care about the cost of alienation and delinquency, if they care about the costs of dropouts and dependency if they care about the costs of failure and illiteracy—they will fund this bill promptly, and they will give schools every tool they need—including transportation—to put the issue of race behind us and create schools designed for the success of every parent's children.

Dr. E. Ray Berry, Riverside, Calif., superintendent:

I see desegregation as an important element. I think it is quite possible to adequately educate minority children in a segregated situation academically, there are fine ways to turn them on, take the lid off, create the attitude about education, but I really believe it is far easier in an integrated situation, and ultimately I think it is the only answer in terms of if we really believe in an integrated society. I don't see any other way to do it.

Dr. Berry told how the parents feel about integrated education. He presented the results of a questionnaire:

Over 80 percent of the parents believed that the quality of education was as good or better in integrated schools than before integration.

Approximately 90 percent of the parents said that their children liked school and seldom or never wished to go to another school.

After three years of integration, over 90 percent of the parents were opposed to the idea of separate schools. The responses were not significantly different when the three ethnic groups were compared with each other.

And success can be measured in human terms as well.

Hoke County is a small rural community of 18,000 in eastern North Carolina. Its schools serve 4,850 children: 50 percent black, 35 percent white, and 15 percent Lumbee Indian. Hoke County had a triple school system—separate schools

and classes for each group—and a triple transportation system.

In 1968 and 1969, Hoke County eliminated its triple system and established a unitary system under which each school reflected the countywide population distribution. They didn't just mix the children together and forget them once they entered the schoolhouse door. They tested every child to determine his level of achievement and took account of the low-achieving students' special needs. They made sure that no teachers or principals were displaced or demoted—in fact, Indian and black personnel were promoted. They talked with fearful parents and counseled apprehensive students; they integrated all extracurricular activities so that every school-sponsored organization had representatives of all races in both its membership and its leadership.

Here is a school system which is 65 percent minority and it is making integration work. How did it do so? Simply by being human about it and by focusing on what happens at the end of the bus ride.

Donald Abernethy, Hoke County's school superintendent, described the results:

When we first integrated you would see in the lunchroom for example, tables of black kids, tables of red kids, and tables of white kids. They were not mixed up.

You would see them standing around in clusters on the campus. This was at first. Now you see very little of this. The children have learned to get along with each other. They respect one another. They vote for each other in elections . . .

Students also had fears and concerns. An example of a fear is best expressed by the Indian student who, after attending the integrated high school several weeks, was talking with his former principal who asked how the student was liking the new school. "I like it," the Indian reported. "You know, Mr. Oxendine, some of those white boys are not as smart as I am." Of course, the remark revealed a feeling of inferiority that had been imposed upon the Indian by the segregated system. For the first time, he had realized that he could perform as well as some of his white counterparts.

And there has been academic improvement as well. Before integration, white sixth graders were a year ahead of their Indian and black counterparts. By 12th grade the gap was 2 full years. In other words the black and Indian students were achieving at the rate of about 8/10th of a year per year. At the end of the first year of integration, white students continued to progress as before. Black students gained a year and a half; their rate of achievement was more than 50 percent better as a result of integrated schooling.

Could this have happened without integration? The superintendent thought not:

I don't think it would ever happen,

He said—

If we kept the schools segregated and kept pouring in money for compensator education in segregated schools. But I believe in an integrated system that we will eventually work it out.

Just two final comments on Hoke County:

The children ride to school on buses—15 fewer minutes each day to integrated schools than they did under the segregated school system.

The five member local school board which provided the kind of positive leadership necessary to make integration successful and which, as Mr. Abernethy told us, never reneged, publicly or privately on its commitment to integration was re-elected—and one candidate who thought the system moved too fast toward integration finished last in a field of nine candidates.

Hoke County is not unique. Nor is Berkeley, Calif., the largest city in the Nation to integrate its entire school system voluntarily. Berkeley is 45 percent white, 44 percent black and 11 percent Asian and Spanish-surnamed. Berkeley's schools were integrated more than 3 years ago. And they are building a quality, integrated education system, because everyone is involved.

Every group—every interested community organization, parents, teachers, students, school administrators—got together, tried to understand each others' problems and aspirations. Together they worked out a desegregation plan, with crosstown busing and balanced distribution of all minorities in every school. Together they went to work on the schools themselves to improve the quality of education in integrated classrooms.

Education is improving in Berkeley—for both black and Anglo students. Anglo youngster's achievement rates are accelerating and those that are growing the fastest are students who have been in integrated classes longest. White third graders, for example, who have been in integrated classes for 2 years gained 4 months over those third graders in integrated classes for 1 year. At the same time, black student achievement has increased as a result of integrated education from half to eight-tenths of a year's growth per year.

But the Berkeley experience is important not only for its academic success. It is important because others can learn, as I learned listening to parents, teachers and students, what made it successful.

Mrs. Amanda Williams, mother of four, told the fears of parents and how they were met:

The time is critical for leadership that will deal with the educational issues and the myths being created by this hereditary fear that is the root of today's climate, parental fear, and it is real fear. We as parents dealt with these in Berkeley. White parents have fears that their children will be physically assaulted or that their learning will be downgraded. Black parents are concerned about their children being bused across town and what would happen in the event a child becomes ill and needs to come home, the kind of humiliation he might receive having gone into a foreign neighborhood. These are examples of a few expressed fears.

In Berkeley, we had house meetings with parents coming together and counselors were hired in the school district at the elementary and intermediate schools, which proved helpful in all instant feedback to parents' problems and concerns. The superintendent and his team of school administrators went into homes to listen and offer solutions to problems. I feel leadership both of the school district and staff is the primary cause for

success. You have to have an administration that will listen to all concerns and problems and deal with them so that confidence will be built where parents feel they are wanted and needed. I believe that has been one of the things that has made Berkeley's integration in school work.

There is something to be learned in Berkeley. The Berkeley experience is a multiple achievement, in which the parents whose children are bused have played a key role. We seek to express and expose the fantasies and to share the realities in our experience of integrating the school district. We want to tell the parents and each individual school its constituency met and dealt with the very real problems that an integration program presents. Most important we want to tell you that Berkeley is getting on with the educational issues that every urban school faces which Berkeley now confronts to make our schools responsive to community needs.

Integration has not solved all of the problems of the Berkeley school system, or of any other. But it has increased the quality of education for all students, and deeply involved all segments of the community in the search for educational excellence.

Berkeley is a university town with a high tax base. It is well above average in per pupil expenditure.

Baldwin, Mich. is dirt poor and it needs Federal help. It has a low tax base, a low per pupil expenditure, a school operating budget deficit of \$100,000 a year and dismally low achievement levels. Its schools are the second worst academically in the State of Michigan. Twelve percent of its working force is unemployed; 40 percent of its families have incomes under \$3,000 per year; 53 percent of its people have less than 9 years of formal education. Baldwin has its problems.

But busing and racial balance are not among them. Every child in the Baldwin school system is in an integrated class. More than 80 percent of its 1,041 students are bused to school. Some students board their buses as early as 7 a.m. and travel 60 miles to arrive at school at 8:20. The shortest one way bus ride in this 370 square mile school district is 20 miles.

As the superintendent told the select committee:

With 370 square miles they could not get there otherwise. . . . We have been busing for years.

He went on to say:

I think we have gotten the children together. I think we have a lot of good things going. The really hard problem that I see is how we are going to finance the kind of programs we need to get these children through our schools so they are in a competitive position with other segments of society.

I am talking about our black children and our white children because they are all trapped in the same area . . . we are trying to work with the community, with the staff, with the students, in a very positive way to pull things together to make Baldwin a place we can be proud of.

We are proud of the fact that we are an integrated school system. In fact this year during our football season we came up with a little pin that really exemplifies what we are talking about. I would like to leave this with you. It says, "Baldwin has Soul".

I asked the Baldwin School superin-

tendent whether there was any opposition to busing in his Michigan school district. He said:

Our neighbors in Cadillac, Luddington, Big Rapids, etc., are pretty shook up over there. They think we are going to bus some of our black children over to their schools. So busing is an issue in Baldwin only as far as our neighbors are concerned.

Mr. President, the case for integrated education has been made in thousands of pages of testimony over the past 2 years before the Select Committee on Equal Educational Opportunity. I have cited only three examples. I could have cited many more. Integration was not easy for any of these districts, but they made it work. They have created a climate of understanding, they have calmed the fears of parents, and they are trying very hard to provide the best education they can for each child.

Public support has been the key to success in these communities and in countless others which have gone about the business of desegregation without the national attention that resistance brings.

But public support on the local level cannot often be realized if the Congress and the administration fail to exercise leadership at the national level.

Last March, the Senate provided that leadership. The integration bill, which we are now debating again, would supply financial help to support the best quality education in desegregating school districts. All desegregating districts—whether under court order, State law, title VI plan, or voluntary plan—would be eligible for financial assistance. And help would be available for all costs of successful desegregation including the cost of getting children to school.

I might add at this point, Mr. President, that at the time that bill was before the Senate, it enjoyed the support of the administration.

A version of that bill was added as title XXI to S. 659, the education amendments of 1971 in the House on November 4, 1971.

But before title XXI was adopted three senseless and divisive amendments were added. With these amendments, the Emergency School Aid Act is no longer a bill to support quality education in desegregating school systems. As amended, the House bill represents the Federal abandonment of every desegregating school district in the country in midcareer.

The so-called Ashbrook amendment would prohibit use of any Federal funds to support transportation to achieve racial desegregation. This amendment would apply not only to funds provided under the Emergency School Assistance Act, but to all Federal education funds. It would prohibit using Federal funds to support transportation of students where required by court order, or under title VI plan, under State law or even where school districts decide to desegregate on a wholly voluntary basis.

The so-called Green amendment would prohibit all agencies of the Federal Government from urging, persuading, including, or requiring school districts to use their own funds or State funds for these purposes. In effect, the Green amendment both repeals title VI of the Civil

Rights Act of 1964 and prohibits the Department of Justice from enforcing the Constitution in court actions.

A third amendment—the so-called Bromfield amendment—would remove from Federal district courts any discretion to enter desegregation orders effective pending appeal, if these orders involve use of any transportation. This amendment would flood the Federal courts with frivolous appeals.

The anti-integration message of these amendments is more important than the dollars the bill might provide.

Let us just be candid with ourselves and with the American people for once on this issue of school desegregation.

Busing is the way the overwhelming majority of school children outside our central cities get to school. Twenty million elementary and secondary school children are bused. They rode 256,000 yellow buses 2,200 million miles last year. The annual cost of busing last year was \$2½ billion. And 40 percent of our schoolchildren—65 percent when those riding public transportation are included—ride to school every day for reasons that have nothing at all to do with school desegregation.

The issue is not busing or racial balance. The issue is whether we will build on hopeful examples of successful integration to make school desegregation work—or endorse segregation on principle; whether we will help the courts to avoid educational mistakes—or leave them to face the complexities of school desegregation alone.

But beyond that, the issue was, and is, racism. The issue is whether we are going to have as the Kerner Commission warned two societies, one white, and one for the rest of us.

What the House did was to turn a hopeful equal education opportunity bill into a school segregation bill. A bill that says to every school district, "If you want to integrate, do not come to us for help; we will neither tell you how to make it successful, nor provide the funds." A bill which assures that many school districts under court order will have to slash their budgets to supply funds needed for transportation. And this at a time when many school systems are on the brink of bankruptcy.

Court-ordered desegregation is costing Pontiac, Mich., \$700,000—the cost of new transportation each year. Pontiac has had to cut educational programs to meet these costs. The superintendent said:

The school district programs are impoverished this year as compared with last year . . . the quality of things available is less and I cannot argue that that doesn't affect the quality of [education in the school district].

The superintendent and chairman of the school board in Dade County, Fla., testified before the House Education Committee last June:

The financial impact of desegregation is placing severe demands and burdens on the affected school systems.

Dade County has a \$250 million school budget. School desegregation cost an additional \$1.5 million in just 6 months. Additional transportation is costing \$670,000 per year. The chairman of the school board testified:

If we are to survive as a county or as a school system, we are going to have to lick the battle of desegregation, regardless of where it is located or what type of desegregation it is . . . this is a massive thing. We are trying to change attitudes that have been building up for 200 or 300 years, and we are not going to change them overnight unless we have some help.

I think the initial step, though, has to come from us. We have to offer the leadership . . . so that is our responsibility. But once we take that responsibility, we have to have some financial help because these problems are monumental.

Pasadena, Calif., is using \$300,000 in Federal aid for impacted areas which would otherwise be used for instructional programs. Pasadena is implementing a Federal court order. It needs help.

Harrisburg, Pa., is desegregating under State administrative procedures. Additional transportation expenses are more than \$500,000 a year. Harrisburg has had to cut additional programs to pay for busing. The superintendent testified:

We need help. We need it badly. If we are going to see a rekindling of pride and enthusiasm for the American way of life, we have got to make education work . . . hopefully we are not too late.

Dr. Raymond Shelton, superintendent of schools of Tampa, Fla., testified:

When demands are placed upon school systems without accompanying means to satisfy those demands, something must give. In our case it has been our kindergarten program, teacher salaries, capital construction and most other parts of our educational program.

In Nashville, Tenn., because of an inadequate number of school buses, opening times for schools have been staggered so that some children start school as early as 7 a.m., and others arrive home after dark. The inconvenience this has caused threatens public support for education in Nashville. As Superintendent Elbert Brooks testified:

. . . neither those who support integration, nor those who tolerate integration will accept for long their children's continued exposure to hardship and danger brought about by inadequate transportation services.

The cause of the hardship to the children of Nashville and Tampa—and children of many other communities—is not the Federal courts, or the State laws, which ordered desegregation. The real culprit is the Department of Health, Education, and Welfare which refused to allow expenditures of any of the \$65 million in emergency desegregation funds appropriated by Congress this year to support transportation expenses.

And yet, the House acted to extend this indefensible ruling to the \$1.5 billion School Assistance Act.

Busing children to achieve integration is unpopular but in many areas sensible transportation of children is the only way for this generation to achieve some school integration. Busing will continue to be required by the courts. That issue was decided once and for all by the Supreme Court earlier this year in Swann against Charlotte-Mecklenberg and is companion cases. And local communities trying to provide better education for students of all races will want to use buses as well.

Mr. President, there are roughly 11 million children attending approximately

1,500 desegregating school districts throughout the Nation.

We cannot change the law.

But if the Senate accepts the amendments proposed by the House—or if we adopt others today which have the same effect—we will sacrifice the education of those 11 million children on the altar of political expedience.

No one is suggesting that every school can—or should—be integrated tomorrow. And no one is requiring this. Segregated schools remain in Atlanta under Federal court order; segregated schools will continue in the great urban centers of the North despite our best efforts; and districts which have not practiced discrimination in assigning students will choose themselves whether and how quickly they will achieve that goal.

But if we abandon support for school integration where it can be accomplished—if we refuse to support an essential remedy, and if we destroy the public good will necessary to make desegregation successful once it has taken place—we will work tragic harm.

Black children, and their parents, know that the real issue is not massive busing to achieve an arbitrary racial balance. They know that the real issue is our willingness to accept integrated schools. White children know this, too. And the health and stability of our society over the next 50 years will reflect the lessons which we teach our children today.

The President has said this as well as anyone:

Few issues facing us as a nation are of such transcendent importance; important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding.

This country is at a crossroads. School desegregation in the South is largely completed.

But we from the North are now beginning to feel the pressure—which our colleagues from the South have felt for so many years—to abandon the course set by the 14th amendment.

If we do, we will deal a blow to public education, in the North and in the South, from which it may never recover. We will prove true those who have said the North favors racial equality only below the Mason-Dixon line—and those who have said that the South cares more about winning the battle over school desegregation than it cares for the future of its children.

Eric Erikson has said:

The most deadly of all sin is the mutilation of a child's spirit.

I hope the Senate will demonstrate its ability to rise above the politics of the moment, and to exercise the kind of leadership which our children have the right to expect.

Mr. JAVITS. Mr. President, the Senator from Minnesota has addressed himself, as we are all addressing ourselves right now, especially those of us who will have the responsibility for the higher education bill when it is on the floor—Senator WILLIAMS, the chairman of the

committee, and I, as its ranking member, will share the responsibility with Senator PELL, the chairman of the Education Subcommittee, and Senator DOMINICK, who is the ranking minority member of the subcommittee—to the question of busing and the misnomer which is now—I think happily—being abandoned of “involuntary busing.”

The ultimate issue is going to be between those who want a constitutional amendment and those who do not. I am opposed to a constitutional amendment, because I believe that it would implant into our basic law principles bound to cancel, change, or adversely affect the 14th amendment, the fundamental charter of equal opportunity for every American, gained after oceans of blood and mountains of treasure were expended in the Civil War.

Mr. President, I hope we will not be guilty of that error with its vast and very deep consequences of social divisiveness, of which we have seen enough already.

I think the Senator from Minnesota has given us some indication of what will occur, when he says in his speech that 11 million children are attending 1,500 schools throughout the Nation in the process of desegregating now in compliance with the 14th amendment; that is an enormous boat to rock.

Mr. President, that does not mean that great changes, great reforms, great acknowledgements of what is troubling our people, cannot be legislated, and I hope to deal with that upon another occasion. But it does deal with the proposition that a fundamental change in the basic and organic constitution of the country would be most ill advised and would be exactly what calmer heads must avoid at a moment when a constitutional amendment seems so easy a solution. The public, because of its legitimate concerns about a situation of adjustment to the desegregation of schools everywhere in the country for many, many reasons, should not be led into a basic change in the government of our country, in the institution of government of our country, which would be so adverse to our people and so socially divisive.

I believe that that is going to be the issue—not what law we shall pass on busing. I am confident that we will be able to work out something on that. But, shall we change the organic law of the United States? Senator MONDALE says no, and I say decidedly no. I am sure that in the days ahead we will be debating that issue, but I deeply believe that the moment has come for Senators to express themselves on that fundamental issue of principle and policy, which I herewith do. As I have said, that is going to be the dividing line in this whole fight between those who want to change the United States basically and organically, and repeal in some fashion the 14th amendment and those who do not, and I align myself with the latter.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed

30 minutes, with a limitation of 3 minutes on each Senator being recognized.

PRESIDENT NIXON'S JOURNEY FOR PEACE

Mr. BYRD of West Virginia. Mr. President, as I speak, the President of the United States is en route to the People's Republic of China to meet with the leaders of the most populous nation in the world.

I applaud the President's decision to make this journey for peace after a hiatus of almost a quarter of a century when communication between the two countries has been virtually cut off. President Nixon has cautioned us not to expect miracles from a week of dialog and has made it clear that his primary purpose is to assure the 800 million people of the People's Republic and their leaders that the United States seeks only peace and mutual cooperation in the western Pacific. If the President is successful in establishing a mutuality of interest, if nothing else, his mission will have been of the utmost importance for the future security of the United States and the world.

Most of us in this chamber can recall the bitter and emotional controversy that raged throughout America when Chiang Kai-shek's Kuomintang and Mao Tse-tung's Communist forces were battling for control of China during and after World War II. It may still be too early to pass judgment on who was right or who was wrong, but American policy toward mainland China and toward Taiwan has been implacable for close to 25 years. President Nixon and his advisers have decided that this rigidity might well be tempered with intelligent flexibility, and pragmatism would seem to indicate that this decision has merit.

We may or may not know for some time to come whether success has attended President Nixon's efforts. There are so many imponderables attached to a dialog that is being resumed after so many years of distrust and so much ignorance of each other's way of life that even conjecture is imprudent. We can express the hope, however, that when the President leaves Peking to return to the United States, both he and the leaders of the People's Republic of China will have a better understanding of each other and of the nations for whose future peace and security they have the present responsibility. I wish our President well in his historic mission.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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