UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS
SECOND SESSION

VOLUME 118—PART 11

APRIL 19, 1972 TO APRIL 26, 1972

(PAGES 13301 TO 14556)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1972

THE BALANCE OF RACES

Mr. BROCK. Mr. President, recent court decisions designed to achieve a numerical balance of races in our Nation's schools have crystallized the hypocrisy of those pundits and social do-gooders who seek to use our children as social pawns.

If we are indeed equal under the law as the principles of freedom state, then color and race cannot and must not be recognized by government for any reason—no matter how paternalistic or benevolent. To allow such criteria in one case and not in another, depending on the interpretation of certain social planners, is racism pure and unadulterated.

The Supreme Court has been party to this hypocrisy. In the Plessy case of 1896, the Court was called upon to rule if legal segregation was constitutional and it gave an affirmative answer with the noxious phrase, "separate but equal." In 1954 the Supreme Court threw out this doctrine in the now famous Brown case but failed to follow its convictions by ordering an end to segregation policies. This decision to act indecisively led us to a prolonged period of turmoil as the lower courts were forced to rule on individual cases on the High Court directive—"with all deliberate speed."

In 1944 in its decision on the Korematsu case, the Supreme Court found it perfectly constitutional to impound thousands of persons of Japanese ancestry solely on the basis of race. By virtue of the decision written by Justice Hugo Black, even native Americans of Japanese descent were placed in concentration camps because of their color.

Our Constitution is color blind. Bending it to observe color, as with recent decisions, brings to mind the specter of Korematsu, or worse.

Mr. President, there are already too many examples of the confusion that arises from illogical and confused policies which require the observance of race in some situations and prohibited it in others.

I ask unanimous consent that an article entitled "Meltingpot Blues," written by Mr. Lowell Ponte, which deals with this question, be printed in the RECORD.

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

[From the McNaught Syndicate, Inc.]

MELTINGPOT BLUES

(By Lowell Ponte)

One overlooked aspect of the issue of racial busing of schoolchildren to achieve "racial balance," or at least racial integration in our public education is that the United States Government has never in dealing with this issue, defined "race."

Some people, myself included, feel laws should be struck down if they treat people of one race differently from those of another. Indeed, the famous 1954 Brown vs. Board of Education ruling by the Supreme Court ended laws assigning children to "separate but equal" schools by race.

Nowadays a sort of "equal but separate" circle of social planners has emerged preaching that children should again be assigned by race—this time proportionally, but still in the belief that one race is different and separate from another. They are determined to do this despite the opposition of a majority of people in every large "racial" category in the nation.

Theirs is an ugly sort of discrimination, made ironic since some of those famed for supporting it were in the forefront of efforts not a decade ago to prevent people from being defined by race. In those years their number in the Congress have enacted a host of Federal laws, some setting mandatory guidelines for integration, others forbidding the labeling of people by race.

The results have at times been bizarre, as an incident in one aerospace company suggests. A government inspector reportedly approached the company manager and asked for a racial breakdown of his labor force; according to the inspector, a new law took away Federal money from companies under government contract unless they employed a fixed proportion of various racial minorities.

The manager asked how he could fill out the required forms, since an earlier law forbid him from asking employees their race. Said the inspector: "Just go around quietly and look at 'em."

This is precisely the approach used thus far in school busing to achieve "racial balance." It is the two-faced approach of assuming we are all equal, yet we can be separated at a glance.

To escape the hypocrisy of this position, the advocates of racial busing can go one of two ways. On one side, they can declare "race" to be an unreal concept, discriminatory by its very use and not to be dignified by law—as the 1954 decision of the Supreme Court implicitly did. Like President Nixon and Senator Humphrey, they then can set their sights on gaining "quality education for all."

On the other hand, they can say "race" is real and proportional integration is necessary. If they do so, then for justice's sake they must take a terrifying step:

They must demand government issuance of race identity cards to every citizen, just as is done in the Republic of South Africa, and use those cards as a standard. Meltingpot mixtures may be a problem, but the U.S. Census form of 1960 and before had an ugly answer: it defined one's race as that "of the non-white parent." Of course by that measure a mixture 500 generations back makes one non-white today, if anyone can trace their origins back 500 generations.

Another terrifying step is necessary too. To maintain national "racial balance" Oriental children, Indians, and Mexican-Americans must be "bused" around the country daily by jet to prevent discrimination against "races" with less political clout than the Blacks.

Such ideas, of course, are horrid and absurd, but they are logical extensions of what already is called by many right and proper, and by many more insane.

LEGAL SERVICES

Mr. MONDALE. Mr. President, in the near future, the Senate will again be considering legislation to create a National Legal Services Corporation.

In the past several months, there has been ample evidence of the need to insulate the legal services program from harmful political pressure. Vice President Agnew's recent attack on the Camden legal services program is a clear example of this type of political interference.

A March 1, 1972, editorial in the Minneapolis Star, entitled "Preserving Equality Under Law," makes a very persuasive case for Senate passage of legislation creating a Legal Services Corporation.

I ask unanimous consent that this excellent editorial be printed in the RECORD.

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

[From the Minneapolis Star, Mar. 1, 1972]

PRESERVING EQUALITY UNDER LAW

No Federal agency has done more to restore the faith of minorities and the poor, or for that matter a broad range of others, in the efficacy of "working within the system" than the legal services program of the Office of Economic Opportunity (OEO).

Through it, some 2,220 lawyers in 900 neighborhoods have brought to the disadvantaged the equality under law all Americans deserve. Because a lawyer-client relationship is preserved, conservative leaders of bar associations have given the program solid backing. The House of Representatives, when it passed the new antipoverty bill, endorsed a vital improvement, for which Sen. Walter Mondale, D-Minn., has worked on the other side of the Capitol.

This would divorce the legal services program from the OEO and thereby from political pressure, which is the antithesis of the lawyer-client relationship. The bill sets up a public corporation with 17 directors chosen for set terms by the President. He would name six outright, but the other 11 would be named by him from lists of nominees provided by national bar associations, the legal service lawyers, the top administrative body of the federal judiciary and an advisory council representing the clients themselves.

How vital freedom from politics in the program is was demonstrated by Vice-President Agnew's recent blatant interference in a suit brought by legal service lawyers against a Camden, N.J., urban renewal program. The attempt to dictate the outcome precipitated the resignation of Fred Speaker, head of the program and a former Republican Pennsylvania attorney general. So far the White House has made no move to replace him.

Agnew's attempt to intimidate the government lawyers and the court itself probably helped the program, demonstrating the need for protecting it from politics. A majority in the Senate already favors the legal service corporation, and with the unwitting help of Agnew the prospects for it are even brighter.

THE SCHOOL PRAYER AMENDMENT—QUESTIONS AND ANSWERS

Mr. SCHWEIKER. Mr. President, for many years, I have been a strong supporter of the school prayer amendment, to allow the use of nondenominational, voluntary prayer and mediation in our schools and in other public buildings. I have disagreed with the U.S. Supreme Court's rulings barring school prayer and feel the majority of our citizens support legislative efforts to return prayer to those areas and schools that desire it.

A national organization, Citizens for Public Prayer, has been working on this issue, and has recently prepared a report, "Questions and Answers on the Civil Right of Free School Prayer." This is an important reference source on the issue of school prayer, and I ask that it be printed in the RECORD so that Senators will have the benefit of the organization's views in support of school prayer.

There being no objection, the report