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Senator Stennis Civil Rights Correspondence B03F20L06

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United States Senate

COMMITTEE ON ARMED SERVICES

WASHINGTON, D.C. 20510

T. EDWARD BRASWELL, JR., CHIEF COUNSEL AND STAFF DIRECTOR

March 3, 1972

MEMORANDUM TO: SENATOR STENNIS

FROM : JOHN HAILMAN

RE : POSITION PAPER ON STENNIS AMENDMENT

A. REASONS WHY SENATE CONFEREES SHOULD SUPPORT SENATE VERSION OF STENNIS AMENDMENT INSTEAD OF HOUSE VERSION.

1. To be truly uniform, congressional school desegregation policy must apply not only to the 1972 Emergency School Aid Act, as the House version does, but to all criteria under all appropriate Federal legislation, as the Senate version does.
2. The House version of Stennis amendment applies only to "this title," and not to any other acts whereas the Senate version applies also to the 1964 Civil Rights Act and 1966 ESEA amendments.
3. The House Committee emasculated the Senate Version of the Stennis amendment without recorded discussion or giving of reasons; the House itself never had a chance to vote on it or even discuss it.
4. The Senate has passed its version of the Stennis amendment 3 times in 2 years, by votes of 56-36, 44-34, ~~and 33-27~~, and should stick by it.
5. The Mondale amendment, which sought to have all requirements of "This Act," i.e. S 659, apply uniformly throughout the U. S., although defeated 49-48, was defeated only because the Griffin anti-busing amendment was attached to it and not because of its own contents.
6. The Ervin amendment, #952, also passed the Senate; it sought to apply § 407 (a) of the 1964 Civil Rights Act uniformly to the entire U. S. and passed by 92-0, thus further reinforcing the Senate's desire for uniform national application of school desegregation criteria. Because the Ervin amendment is limited to "racial imbalance" problems, however, the broader Stennis amendment is preferable and needed.

B. APPENDIX OF RELEVANT STATUTES AND AMENDMENTS

1. Senate-passed version of Stennis amendment, § 702 of Title VII, Emergency School Aid Act of 1972, which may be found in Congressional Record for February 22, 1972 at S 2364:

"It is the policy of the United States that guidelines and criteria established pursuant to Title VI of the Civil Rights Act of 1964, Section 182 of the Elementary and Secondary Education Amendments of 1966, and this title, shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation."

2. House-passed version of Stennis Amendment, found in § 1802 (b) of Title XVIII of House-passed Emergency School Aid Act.

"It is the policy of the United States that guidelines and criteria established pursuant to this title shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any state without regard to the origin or cause of such segregation."

3. Senate version showing words stricken out by House Committee:

"It is the policy of the United States that guidelines and criteria established pursuant to ~~title VI of the Civil Rights Act of 1964, section 182 of the Elementary and Secondary Education Amendments of 1966, and~~ this title shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race ~~whether de jure or de facto~~ in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation."

4. Title VI of 1964 Civil Rights Act, now 42 U.S.C. § 2000d:

"No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

5. Section 182 of 1966 Amendments to the Elementary and Secondary Education Act, now 42 U.S.C. § 2000d-5:

(Too long to quote in its entirety, but provides for an administrative hearing for local school agency within 60 days of notification that its federal funds may be cut off because of non-compliance with school desegregation requirements.)

6. Proviso 407 (a) of 1964 Civil Rights Act, now 42 U.S.C. §2000c-6 (a):

"Provided, That nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance or otherwise enlarge the existing powers of the court to insure compliance with constitutional standards."

7. Mondale amendment, #936, which may be found in Congressional Record of February 24, 1972 at S 2563:

"All requirements established under this Act shall be applied on a uniform basis to conditions of segregation, whether de facto or de jure, throughout the Nation."

8. Ervin amendment, #952 (Which does not yet show a section number):

"The proviso of section 407 (a) of the Civil Rights Act of 1964 providing in substance that no court or official of the United States shall be empowered to issue any order seeking to achieve racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards shall apply to all public school pupils and to every public school system, public school and public school board, as defined by title IV, under all circumstances and conditions and at all times in every State, district, territory, Commonwealth, or possession of the United States, regardless of whether the residence of such public school pupils or the principal offices of such public school system, public school or public school board is situated in the northern, eastern, western, or southern part of the United States."