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Letter, John C. Stennis to Lister Hill, June 22, 1967

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United States Senate

COMMITTEE ON ARMED SERVICES

June 22, 1967

Honorable Lister Hill
Chairman
Senate Labor and Public Welfare Committee
Rm. 4230, New Senate Office Building
Washington, D.C.

Dear Senator Hill:

As you know, the House adopted two amendments to the Elementary and Secondary Education Act respecting the "guidelines" which are being imposed on the schools of the South by the Office of Education of the Department of Health, Education and Welfare. These amendments do nothing more than reaffirm the basic principles of fairness which Congress intended should govern the administration of the Civil Rights Act. One amendment merely requires that the Office of Education cite the statutory law or other legal authority for each of its regulations and guidelines. Another part of the same amendment simply provides, as does the Civil Rights Act itself, that the regulations and guidelines be applied uniformly throughout the fifty States. The other amendment repeats the prohibition contained in the Civil Rights Act that federal assistance shall not be terminated or "deferred" until the school has been given a hearing and found in non-compliance.

These amendments merely attempt to guarantee simple justice and their substance is already implicit in any reasonable interpretation of the Civil Rights Act itself. Under our system of government, even the most vicious criminal is entitled to equal protection of the laws, a specification of the charges against him, and a trial before he is convicted and punished. It is disgraceful that it has become necessary to amend an education act to insure that these fundamental principles are observed by federal administrators in their dealings with local school boards. Experience has amply demonstrated that it is necessary, however, and frankly I do not see how there can be any objections to these amendments. These are the minimum guarantees to which our educators and school officials are entitled, and I most strongly urge that your committee strengthen, or, at the very least, preserve these provisions.

There are other remedial amendments which I earnestly believe are urgently needed to correct the abuses that are being perpetrated under the Civil Rights act. First, the Act should require that administrative hearings to terminate federal aid to education be held in the State affected. The schools are presently greatly handicapped in the presentation of their case by having to journey a thousand miles or more to Washington to make their

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defense. The tremendous expense and inconvenience involved severely limits the ability of the schools to answer the vague accusation against them. Often the charge is that fear of violence in the community discouraged students from transferring from one school to another. The school cannot bring the community to the hearing in Washington to refute the charge. The only fair and sensible thing to do is to take the hearing to the community.

Second, the Act should prohibit the enforcement of the guidelines unless and until they have been formally approved by the President. Certainly, some elected official of the government answerable to the people should be made responsible for reviewing and approving these regulations if they are going to be given the force of law. This requirement was clearly spelled out in the Civil Rights Act but it has been ignored and evaded in practice. It must be enforced to protect the rights of the people and vindicate the authority of Congress.

Third, the Act should prohibit the imposition, either directly or indirectly, of any quota or percentage of integration which must be met by a school to be eligible to receive federal assistance. The quotas which are now being forced on the schools are either arbitrary figures plucked out of the air or they are a systematic effort to achieve a racial balance. In either case they are patently illegal and ought to be prohibited.

Fourth, the Act should specifically recognize a genuine free choice system of student assignments as adequate compliance with the Civil Rights Act. A free choice system which is fairly and impartially administered completely eliminates even the possibility for discrimination in the assignment of students. It is far less discriminatory than the neighborhood school system which forces many children to attend segregated schools because they happen to live in strictly segregated neighborhoods. Therefore, the schools which operate under a bona fide free choice system should be accorded at least the same recognition as those operating under the frequently discriminatory neighborhood school system.

I believe these are constructive suggestions and for the most part merely reaffirm the intent of Congress in passing the Civil Rights Act. I certainly hope that your committee will consider them in this spirit and act to protect our schools from the extreme and unreasonable pressures that are being brought against them.

Sincerely yours,

John Stennis
United States Senator

JS/mp