

**SENATOR
SAM ERVIN
SAYS**



The Senate has adopted a House-Senate conference report which authorizes about \$18.5 billion for higher education in this country through mid-1975. The bill also includes controversial anti-busing provisions which affect public school desegregation, and is less than satisfactory to those

that seek an immediate end to court-ordered busing.

The legislative history of this bill is the most peculiar of any bill that I have witnessed since I came to the Senate. The Senate originally passed a bill to aid higher education without any reference to busing. In fact, the Senate voted down amendments that I offered which sought to put an end to busing to achieve racial balance in the public schools.

The higher education bill then went to the House which rewrote its provisions relating to college assistance. The House also incorporated the President's recommendations which urged Congress to provide certain monies to aid public school districts in handling their desegregation problems. That body then wrote

In certain anti-busing prohibitions which would have prevented any HEW official from suggesting or recommending to local school boards that students be bused for integration purposes, and provided that none of the measure's funds could be used to defray the cost of school busing. The House bill at that time stayed the effective date of any Federal court decree ordering school busing until all appeals had ceased. As modified, the House bill came back to the Senate.

The Senate referred the bill to its Labor and Public Welfare Committee, which happens to have no Southern Senators on it. The Committee reported out a bill which struck out most of the House amendments about busing. But the Senate Committee did add certain Senate amendments relating to busing, including two amendments that I offered. One amendment which I introduced sought to make the rules of evidence in court school assignment cases uniform throughout the country. My amendment was predicated on the Swann v. Charlotte-Mecklenburg Board of Education case which demonstrated that it took less evidence to require court-ordered busing in the South than it did in the North.

In early March, the Senate again passed the higher education bill; this time after waffling between the weak Scott-Mansfield anti-busing amendment and a number of stronger anti-busing amendments, including the Griffin amendment, which I favored. In the end, the Senate again sent the House a higher education bill with a lot of mumbo jumbo provisions which were supposed to reduce court-ordered busing. However, it did send to conference two amendments which I offered that could put an end to forced busing if they are rightly interpreted by the Supreme Court.

The other amendment which is included in the conference report also dealt with the Swann case. When the Supreme Court decided that case, it said in effect that the Civil Rights Act of 1964, which prohibited the

transportation of children from one school district to another in order to achieve racial balance, was inapplicable since there was de jure segregation involved in the racial composition of the pupils attending the Charlotte-Mecklenburg schools. My amendment to the new higher education bill would make Title IV of the Civil Rights Act of 1964, which sought to prevent busing of children to achieve racial balance, applicable to all public school systems in the North, the South, the East and the West. This would affect both de facto and de jure segregation. My amendments would not affect busing voluntarily adopted by school boards for educational purposes rather than for purely desegregation purposes.

The bill as passed by the Senate in March then went to another Senate-House conference. Recently, the conferees reported out a bill which was not as strong against busing as I would have liked, but it did retain the two amendments which I had offered and the Senate adopted

earlier in the session.

Acting on the Senate-House conference report on the higher education bill last week, the Senate accepted the conferees' modified version together with my two amendments. The measure now awaits House action.

Should the bill become law and if the Supreme Court does not disort and prevent the words of my amendments, this bill could put an end to all busing merely for the purpose of missing the races in the public schools. I sincerely trust that my amendments will be so interpreted in the event the House adopts the conference report on this legislation.

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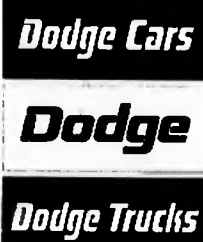
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