

**SENATOR  
SAM ERVIN  
SAYS**



The American people are rightly demanding that Congress take new action to end forced busing of public schoolchildren.

Last week, in a Senate Judiciary hearing on this issue, I urged the Committee to support S. J. Res. 28, a resolution which Senator Allen of Alabama and I introduced on January 23, 1973. The resolution, which would have to be approved by two-thirds of the House and Senate and ratified by three-fourths of the States, seeks to end busing to achieve "racial balance" and prevent Federal Courts and bureaucrats from practicing tyranny on helpless children.

I have been reluctant to advocate alterations to the Constitution of the United States. History has proven it to be one of the most wisely drafted documents of all time. The framework of government it establishes and the protection of individual liberty it incorporates have served our people well. It is only because of

the perversion of its fundamental principles with respect to the public schools that I feel compelled to advocate this amendment.

What has happened is that Federal Courts, including the Supreme Court, and Federal agencies have given an unjustified interpretation to the "equal protection clause" of the 14th Amendment. As a consequence, the adoption of a constitutional amendment may now be a prerequisite for restoring freedom to America's schoolchildren and for eliminating judicial tyranny with respect to our public schools.

In North Carolina and in many other States—north, south, east, and west—thousands of students have been ordered to board buses daily to achieve some magical, racial-mixing formula to satisfy the whims and caprices of misguided Federal judges and bureaucrats. This is absurd because two decades after the Brown decision, Federal Courts and the Department of Health, Education, and Welfare are now insisting that race be used as the basis for pupil assignment. Ironically, these orders and decrees seek to use racial quotas to effectuate a constitutional principle which forbids Government to treat people differently on account of their race.

Most Americans have waited and hoped that the Supreme Court would regain its judicial sanity and reject lower Federal Court orders which impose massive busing and racially based pupil assignment plans on helpless parents, students, and public school officials. They have waited in vain.

The people, according to every public opinion poll that I

have seen, feel that there must be an end to a practice that is doing irreparable harm to the public schools. Accordingly Senator Allen and I have proposed an amendment to the Constitution to absolutely prohibit any court and any Government agency from assigning schoolchildren to or requiring them to attend a particular school on account of race, creed, or color. The amendment would constitute a supporting provision in the Constitution for the true interpretation of the "equal protection clause" of the 14th Amendment, namely, that Government is forbidden to use race, creed or color in connection with its official policies and programs.

I also intend to support any other legislative efforts to prevent forced busing which has so unsettled our citizens during recent years. I shall continue my long standing opposition to judicial and bureaucratic usurpation of the authority lawfully vested in local school boards.

I hope that the Committee will pay heed to the voices of the people who cry out for deliverance from this outrageous tyranny.



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