

Sen. Biden and his amendment

The immediate focus was on legislative jockeying in the Senate, but the crucial issue is over how the "good guys"—civil rights supporters, racial liberals and nonbigots generally—are to deal with the question of public school integration.

Sen. Joseph Biden, D-Del., triggered the jockeying when his anti-busing amendment to a Labor-HEW appropriations measure cleared the Senate by a 50-to-43 vote last Wednesday.

The intent of the amendment was to curtail busing by forbidding HEW to use the threat of funds cutoffs to enforce nonjudicial busing plans, and it brought immediate opposition from civil rights advocates (of which Biden considers himself one) and some Senate liberals, notably Sens. Edward Brooke, R-Mass., and Hubert Humphrey, D-Minn.

Their opposition was based both on what Biden intended—a turn away from busing—and on what they saw as some possible unintended mischief the amendment could create.

"I went to Brooke and the others and said that my sole intent was to go after busing," Biden said in an interview Friday. "If anything, I told them, I'd like to beef up public school integration and quality education. I just don't think that busing addresses the real issues."

Biden proposed to alter his amendment to make it more palatable to the civil rights leadership. For instance, where the original amendment referred to "any school system or other educational institution," he would take out "or other educational institution" so as to avoid any unintended impact on colleges. Where it forbade HEW fund cutoffs to enforce "assigning teachers or students to schools, classes or courses for reasons of race," he

would eliminate "teachers or" and "classes or courses" in order to avoid sanctioning racial segregation within ostensibly integrated schools.

It was no sale. The liberals tried and failed to add an amendment that would wipe out the Biden proposal, and Sen. Jesse Helms, R-N.C., wanted to make it much stronger than Biden could accept. The Helms measure would have forbidden HEW even to require the classification of students by race and, thereby, would have made it impossible for it to do anything whatever about racial integration.

Helms lost on a parliamentary maneuver, and promptly announced his intention to launch a filibuster. That's pretty much where matters stood as last week-end began.

Biden, who had joined in sit-ins to desegregate restaurants along U.S. 40 before he joined the Senate in 1973 as its youngest member, insists he is not attempting to foster racial separation, and he is clearly embarrassed that his measure has some of its strongest support from people he considers bigots.

"I just don't think busing is the answer. And I must say that if there was a clearly gerrymandered situation, I wouldn't even take away busing (as a remedy)."

Not intentionally, anyway. But his proposal, both as originally written and as he offered to amend it, would not speak to deliberate gerrymandering. In fact, it would not even confine itself to busing, although that is what he intended.

Peter Holmes, head of HEW's Office for Civil Rights, points out that the Biden amendment would have rendered HEW helpless in the only current situation where funds have been cut off for want of a reasonable effort to desegregate.

That would be Ferndale, Mich., where the virtually all-black Grant Elementary School is within a mile in either direction of two predominantly white schools. Attendance zones are drawn in such a way as to continue 50 years of racial separation in that Detroit suburb.

Because the Biden amendment refers not to busing but to pupil "assignment," HEW would be powerless to act in Ferndale, even though desegregation would require no busing but only that children walk in a different direction. Holmes said of some 20 cases currently "in the pipeline" for possible fund cutoffs, "many do not involve transportation issues."

But Holmes acknowledges that most busing plans involve court orders and, therefore, would be untouched by the Biden amendment.

Biden says he remains amenable to changes that would eliminate such obvious inequities, but insists:

"The bottom line is that, with the debate over busing, we are eliminating discussion of the real

issue: The educational system does not have as its primary purpose the integration of society."

The 1954 Supreme Court decision addressed the method by which children are assigned to school, he said. The current debate addresses the results of that assignment. One is desegregation and legitimate, he said. The other is integration and, at least in some of its forms, "is racist and insulting."

"What they are saying is that your black, curly-haired son has to be in the class with my white, straight-haired one before he can get a decent education," Biden said.

"I might add that I don't feel responsible for my father's sins—only for my sins."

But if he would take away busing as the major weapon against racial isolation and inferior education, doesn't he feel a responsibility to come up with an alternate weapon?

"Yes, I do, but I wouldn't put the whole burden on the schools. We have to move to increase opportunity across the board. That's why, back in 1971, I was proposing



Sen. Joseph R. Biden Jr. ... "not the answer"

equal housing opportunity, equal credit—all across the board.

"And, where racial isolation has resulted in inferior schools, I think we have to move in the direction of greatly improving the quality of those schools by providing money and other resources."

But isn't that a return to the separate-but-equal doctrine outlawed by the Supreme Court 20 years ago?

"Not at all," he said. "Separate-but-equal meant that a child could be barred from a school on the basis of his race as long as you provided a dole. It's abhorrent to me to bar children because of their race. That'd be *de jure*, and that's what desegregation is supposed to cure."

"But where there is no bar but there exists a long-standing pattern of racial isolation, it's absolutely necessary to provide more resources and services to make sure that the children have equal opportunity."

"But the conceptual differences between the two kinds of racial isolation has not been recognized. And so we get this busing debate between the civil rights guys of the Fifties and Sixties and the racists of the Fifties and Sixties, and everybody forgets about education."

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to construct public housing in the most reactionary part of my own (councilmanic) district, because all the blacks were concentrated in the city, and I thought that was wrong. I think we have to move on

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