

Senate's Inaction Exasperates Leaders

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Nearly three weeks after reconvening, the Senate is plagued by constant absenteeism, bogged down in a debate over a civil rights bill it routinely passed in 1970 and falling rapidly behind its legislative schedule.

The slow pace is beginning to worry and annoy the Senate leadership as it contemplates an unusually heavy legislative workload that must be completed if Congress is to adjourn before the November elections. But in their growing exasperation, the leaders are at a loss as how to bestir an apparently indifferent Senate.

"The record we have is abominable, and the situation is horrible," the majority leader, Mike Mansfield of Montana, complained in an interview.

Absenteeism Cited

Absenteeism goes far beyond the Democratic Senators running for the Presidential nomination, Senator Mansfield said, adding:

"How we can work in a situation like this I don't know. But I am at the end of my wits. I do not know any way to keep them here, unless perhaps the local newspapers start publicizing the absenteeism of their Senators."

In the roll-calls thus far this session, absenteeism has been running at a rate of 25 to 30 per cent. Even the Senators who are present for the voting seldom show up on the floor to participate in debate, and they thus contribute, the leaders say, to a lackadaisical air that is permeating the body.

The absenteeism will undoubtedly increase in the next two weeks as the House and Senate take their Lincoln Day recesses, which over the years have turned February into a legislative nullity. Beginning Wednesday, the Senate will take five days, the House a week.

Trips and Junkets

Ostensibly, the Lincoln Day recesses are taken to give Republicans an opportunity to address party dinners, but in practice they have become the occasion for extended trips home or junkets abroad.

Senators Edward M. Kennedy of Massachusetts and John V. Tunney of California, for example, left this weekend for Europe on an itinerary that includes four days of skiing in Switzerland. Senator Tunney, according to an aide, will be gone for about 10 days.

As chairman of the Senate Judiciary Subcommittee on Refugees, Senator Kennedy will go on to India and Bangladesh and will not return until Feb. 20.

The Senate has thus far passed only one major piece of legislation, a foreign aid appropriations bill for the fiscal year that began last July.

The House has completed action on a foreign aid authorization bill, an election reform bill and legislation creating a special drug control agency in the White House. Before the Lincoln Day recess, the House is expected to pass legislation raising the debt ceiling.

Essentially, however, both the Senate and the House are still trying to dispose of a backlog of legislation left over from the last session. Senate leaders are beginning to wonder whether the Senate will have the time or inclination to consider such major legislation as welfare reform, revenue sharing, and health insurance in addition to the appropriations bills that must be passed.

Since Congress returned Jan. 16, the Senate has been con-

sidering a bill to give enforcement powers to the Equal Employment Opportunity Commission.

In October, 1970, the same legislation was routinely passed by the Senate over token Southern opposition only to die in the conservative House Rules Committee.

This year, three Southerners, Sam J. Erwin Jr. of North Carolina, James B. Allen of Alabama and David H. Gambrell of Georgia, are filibustering against the bill. Their tactic, rather than the usual technique of just talking, has been to offer repeated amendments.

In laying down its schedule for the session, the Senate leadership had hoped to finish the job discrimination bill by Feb. 1, thus permitting the Senate to proceed to other business, such as Federal aid to colleges, national voter legislation and equal rights for women. All of these must be cleared away if the Senate is to take up welfare reform in March.

Possibility Growing

It now appears certain that the job discrimination bill will be before the Senate after the Lincoln Day recess, and there is a growing possibility that the legislation will then be laid aside.

The impasse appears to be largely the result of unclear signals by the Senate leadership and overly aggressive tactics by liberals led by Senators Harrison A. Williams Jr. of New Jersey and Jacob K. Javits of New York, the floor managers of the legislation.

The leadership had hoped that the Southerners could be prevailed upon, as in 1970, to let the bill slip through after a routine debate that would not attract much attention among their constituents.

But in the absence of clear signals from the leadership, Senators Williams and Javits upset that strategy by pushing

early in the debate for closure, thus engendering traditional Southern opposition to civil rights legislation.

Two Attempts Fail

Two attempts to invoke closure have been made, the first falling nine votes short of the required two-thirds majority and the second falling six votes short. Because of the absenteeism expected this week, a third attempt at closure will not be made until after the Lincoln Day recess.

The vote will probably be closer on the third try, but Senate leaders doubt that the liberals can ever obtain the two-thirds vote to cut off debate.

In resisting closure, the Southerners can probably count on the support of a crucial number of Republicans who oppose a provision in the bill giving the Equal Employment Commission the right to issue cease-and-desist orders against job discrimination.

The Republicans and the Administration favor enforcement through the Federal courts, an approach that was rejected 10 days ago by the Senate, 48 to 46.

Among the leadership, therefore, there is a growing belief that probably the only way to break the impasse will be to return to some formula providing for court-enforcement of findings of the Equal Employment Opportunity Commission. Senator Peter H. Dominick, Republican of Colorado, may reoffer such an amendment Tuesday.

If the impasse is not broken shortly after the Lincoln Day recess, the leadership is threatening to lay the bill aside, thus probably dooming the legislation for this session.

The Senate "has lost all of January and we cannot lose all of February," the Republican leader, Hugh Scott of Pennsylvania, observed to reporters last week.