

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. AVERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. AVERY. Mr. Speaker, speaking as a member of the objectors committee, it has been the custom for the last few months for the Committee on the Judiciary to group certain aliens under a House joint resolution. If we have objection to one of the beneficiaries of one of the bills incorporated in the resolution, do we object on the basis of a single bill or do we have to object to the entire House joint resolution?

The SPEAKER. The gentleman would have to object to the entire resolution, unless it were under consideration in the House without objection, then an amendment would lie to strike out a certain name.

Mr. WALTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALTER. Would it not be in order to offer an amendment which would have the effect of striking out an objectionable name?

The SPEAKER. If there is no objection to the consideration of the resolution or the bill, then it is before the House and any germane amendment would be entertained, to strike out any part of the bill.

Mr. AVERY. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. AVERY. Is it in order during the consideration of the Private Calendar to offer an amendment?

The SPEAKER. Yes, to any bill.

Mr. AVERY. I thank the Speaker.

CORRECTION OF SURVEYING ERROR

The Clerk called the bill (H. R. 11346) for the relief of Camillus Bothwell Jeter. There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture shall convey, without consideration therefor, to Camillus Bothwell Jeter, Whitmire, S. C., all right, title, and interest of the United States in and to the real property described in section 2 of this act, which was originally acquired by the United States solely by reason of a surveying error.

Sec. 2. The real property referred to in the first section of this act is situated in Fishdam Township, Union County, S. C., and is more particularly described as follows: Beginning at corner 8 of the Forest Service survey of the Katherine V. Lipscomb and others, tract No. 302, a stone identified by David Jeter as the corner common to Carrie Jeter tract and Dr. Jeter tract, south 13 degrees 30 minutes west, 17.35 chains to a point; thence south 38 degrees 03 minutes west, 5.61 chains to corner 7 of the Forest Service survey of tract No. 302, a stone on the edge of cleared right-of-way of the Board River Power Co. transmission line; thence north 19 degrees 30 minutes east, 22.7 chains to the place of beginning, containing 2.02 acres, being the same more or less.

With the following committee amendment:

Page 2, line 7, strike out "Board" and insert "Broad."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. McCONNELL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 87]

Adair	Fogarty	Nelson
Barrett	Fulton	O'Hara, Minn.
Bell	Gamble	Osmers
Bentley	Garmatz	Patman
Blitch	Gray	Poage
Boiton,	Griffiths	Powell
Oliver P.	Hale	Preston
Bowler	Hays, Ohio	Prouty
Brooks, Tex.	Hillings	Radwan
Celler	Hinshaw	Reece, Tenn.
Chatham	Hoffman, Ill.	Scudder
Coudert	Holt	Shelley
Cretella	Hull	Sheppard
Davidson	Keating	Taylor
Davis, Wis.	Kee	Thompson, La.
Dempsey	Kilburn	Thornberry
Donovan	Kluczynski	Van Pelt
Eberharder	Lane	Vinson
Edmondson	Lanham	Watts
Fallon	Morgan	Wickersham
Fino	Moulder	Wilson, Calif.

The SPEAKER. On this rollcall 363 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FEDERAL ASSISTANCE TO STATES FOR SCHOOL CONSTRUCTION

Mr. BARDEEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 7535) to authorize Federal assistance to the States and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 7535, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

Mr. DIES. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DIES. Mr. Chairman, the proponents of this bill seek to justify its passage on the ground that the States have

failed to meet the classroom shortage although they have made every adequate effort to do so. I would like to read the statement in the bill which is the predicate for the bill:

The Congress finds that despite sustained and vigorous efforts by the States and local communities, which have increased current school construction to an unprecedented level, there is still a serious national shortage of classrooms requiring emergency action on the part of the Federal Government.

I believe that the advocates of this measure will agree the burden of proof is upon them to show that the States have made sustained and vigorous efforts to meet the shortage and have failed through no fault of their own. I doubt if the most ardent and enthusiastic supporter of this measure would contend that the Federal Government ought to be expected to make these grants if the States and local communities, by diligent effort, can supply the need. If any of the managers for the bill dispute that statement, I would like for them to take the floor and question it at this time. I assume that is the predicate, that is the crux of the bill, because it is recited in the very beginning of the bill.

The question, therefore, for our decision, or one of the questions, is whether or not the local communities and the States have made sustained and vigorous efforts to supply the necessary classrooms. Now, in order to determine that question it is appropriate that we go to the committee report, which is the summary of its findings. I assume that the committee heard all of the testimony and the evidence and reached the conclusions which are incorporated in the report and that the report will reflect accurately the true facts.

Now, what are the reasons given by the committee for the failure of the States and the local communities to supply the classroom needs? I read from paragraph 3 on page 3 of the committee report, and I invite your careful consideration to this report:

But most districts—

They are dealing now with the great majority of districts—
must borrow funds by voting bond issues.

Well, that is the way they have to get the money; they have to vote bond issues.

They operate under widely varying laws which in many cases make it difficult to finance school construction. There are debt limits, constitutional in 26 States and statutory in 21, beyond which a district cannot issue bonds.

Now, the first impediment that is assigned for the failure of the State and the local community to meet the classroom shortage is the fact that there are 47 States with debt and tax limits. The second reason is:

These common difficulties are often aggravated by underassessment of property.

In other words, in the school districts they underassess the property and therefore do not raise enough revenue to take care of the school needs of their children. Then the next reason is "and school district size."

In other words, many of the school districts in communities fail to consolidate and to rearrange their districts so that there will be a proper size.

In some cities the children attend schools in areas of low assessed valuations and adjacent industrial areas with high assessed valuations do not contribute to the school costs.

What they are saying in plain language is that the local communities and the States have failed to consolidate school districts so that the district would have enough revenue to meet the needs.

Now, Mr. Chairman, here we have a committee which asked the Congress to depart from a fundamental principle of our Government, to embark upon a new experiment, and the justification for this radical departure is assigned, first, that the local and State governments have debt and tax limitations. Now, Mr. Chairman, think of it. Forty-seven States in our Union have debt and tax limitations and are unwilling to raise them, and therefore they come to the Congress of the United States and say, "We do not want to have any more debt; we are not going to stand for any more taxes. Therefore, we expect the Federal Government to come to our aid, to our rescue."

Why can they not raise their debt limit, their tax limit if they are sincerely and genuinely interested in the welfare of their children? What is there to prevent them from increasing their tax limit and their debt limit to take care of the essential needs of the children of their community? Have we not raised our debt limit? Time and again, this Congress has met an emergency by raising the debt limit. In fact, Mr. Chairman, we owe \$287 billion directly which represents more indebtedness than all the rest of the world put together. And indirectly, how much money do you think we owe? Someone has estimated it at from \$500 billion to \$700 billion. In other words, we are endorser and guarantor on paper to the staggering total of from \$500 billion to \$700 billion.

We are in far worse financial condition than any State in this Union. And to me it is utterly preposterous and ridiculous for any State or local community to say, "We are unwilling to raise our debt and tax limit to provide for the urgent needs of the children of our community and, therefore, we come to Washington for Federal aid."

In the school district in which I live we needed some additional school revenue several years ago. We did not have time to go through the legal process of increasing valuations and raising the additional revenue. Therefore the school board appealed to the citizenship who voluntarily agreed to an increase in their valuations. And there was a 100 percent agreement.

Do you mean to tell me that there is any school district or any State in our Union that would not be willing to make any sacrifice to provide for the education of their children? And do you mean to imply that in this period of unparalleled prosperity, when vast sums of money are spent upon all sorts of luxuries, that peo-

ple are not willing to forego some of the Government waste, extravagance, and unnecessary spending in order to provide for their own children?

And do you mean to tell me that they are unwilling to assess their property adequately in their community to raise sufficient revenue? In the city of Washington property is assessed below 50 percent of its market value. And in many communities in this country property is assessed for taxing purposes far below its present market value. I know that to be a fact because I once owned property here in this city for 14 years and I never enjoyed such low tax rates as there were then in the city of Washington. I know that in nearly every community there is no attempt made to appraise property at its market value. And for the committee to say to this Congress that the local communities are unable to raise the money because they will not assess their property higher and therefore the Federal Government, which is burdened with the greatest responsibilities in all history, which must meet an international threat that will test the strength and financial resources of this country to the limit—to say that in a moment of supreme crisis in the affairs of nations, we should be called upon to provide for the classrooms of the children of America, to my mind is utterly uncalled for and preposterous.

They tell us, Mr. Chairman, that there will be no Federal control, and there are pious words in section 403 in which they declare that the bill will be free from Federal control. Yet when we read the bill with all of the provisions and formulae therein set forth we can reach no other conclusion but that it is the beginning of control.

The truth is that there are a lot of people in every State who would like the Federal Government to take over the schools of this country. Make no mistake about that. We have in America, just as there are in every country in the world, people who believe in the omnipotent government. They want a highly centralized state. They want to standardize education and thoughts and customs and habits and force people to comply with their way of living. We have more meddlers and busybodies in the world who are not content with cleaning up their own backyard but who are forever and ever seeking to reform someone else in some distant community. Our public school system is the integral part of our local communities. There is vast variety in the customs and habits and thoughts of our people. From that comes the rich traditions of our Nation and the strength and the power of America.

I believe, Mr. Chairman, that when the time comes that from Washington the decrees and the dictates are issued to standardize the thoughts and the customs and the habits of the people we will cease to exist as a free and independent country.

I know you disclaim any intention of Federalizing the public schools, but those of us who have witnessed the steady encroachment of Federalism upon State institutions know that in

the beginning you are always modest in your pretensions and your claims, but once the camel gets his head under the tent he will never take it out.

This is designed as the beginning of what may prove to be a disastrous program to all of those who insist that every community should preserve its individuality. What may be suitable in the city of New York in the administration of schools or in the matter of the curricula that are prescribed would be wholly inappropriate in the State of Texas. We are not seeking and we shall never seek to prescribe for any community the kind of school it ought to have. But there are those who feel that if they can standardize education and impose some sort of Federal regulation upon schools and invest Federal authorities with direction of them we will have better educational institutions. They do not openly proclaim that. They say this is temporary, it will last only 4 years. But all experience demonstrates that that is not true, and that once you begin this Federal control there is no end to it.

What will become of your pious declaration in section 403 when the Powell amendment is added to this bill, and of course it will be added by amendment or regulation. There is no doubt about that. I have heard that there was a poll taken in the House, and 238 Members pledged themselves to vote against it. But I want to predict that the Powell amendment will be added to this bill or its purposes will be accomplished by administrative action.

What will happen to this bill when it is added? On the one hand, in section 403 you will be saying that no agency in the Federal Government shall direct the personnel of the schools. On the other hand, through the Powell amendment or regulation you will be directing the personnel.

So, Mr. Chairman, there is only one thing to do with this bill, and that is to defeat it. Let us defeat it decisively in this House and forever settle the question of federalizing the public school system in the United States.

If the time comes that the 47 States with tax and debt limits come to this Congress and say: "Well, we have raised our debt limit; we have raised our tax limit; we have reassessed our property and we have done everything humanly possible and we cannot provide for the education of our youth," we can take appropriate action. We can say: "This is a crisis, you have done the best you can and you have been unable to supply the needs so we will remit a part of the income taxes so that you can raise the necessary revenues or withdraw from some of the fields of taxation in favor of the States." But, gentlemen, I beseech you to pause long and carefully before you invade the field of public education. We have already reached out into almost every field of human activity. We are now engaged in a multitude of endeavors all over the United States. But once we lost local control of public schools, then the very foundation upon which our Republic is erected will be undermined and the superstructure will topple over. I

beg you to measure up to the grave responsibilities of this hour. I do not believe the people of your communities and mine want this. I do not believe, if they understood the implications of it, and its farreaching effect and what it will lead to ultimately that they would expect you to vote for this measure. I say now in the interest of the preservation of our public school systems, let us in the very beginning of this program of federalization stamp it out and by our vote serve notice upon the federalists and the advocates of the omnipotent state that we will not permit them to invade the field of public education.

Mr. GWINN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, with all of our discussion of Federal aid for education, it seems very strange to me that none of us have not thought of the simple and perfectly amazing magic involved if we would only let the people back home in each of the States keep enough of their own money at home to support their own schools. It is perfectly astonishing that, up to now, it does not seem there is any conscience in this body as to the fact that, if the States need stimulants, it is because we have been giving them sedatives for so long. If the States are in trouble and cannot take care of their schools by themselves, it is because this Congress has year after year for 25 years taken their own money away from them. If there is any fault over the failure of the States to do for their children what they naturally want to do, it is because the Congress has impoverished them so that they no longer feel able to take care of themselves. They feel that the only way to get their wages, salaries, income back is to cry out to Washington to leave some or bring some back from where Washington got it in the first place.

Now, here is a simple device which I am going to offer in due time. It is known as the Scrivner plan. It has been kicking around for a long time. All it does is to leave 1 percent of the tax collections at home, or take exactly 1 percent of the total income and corporate taxes that each State pays to the Federal Government and let it alone to be used by the States as they please. Let their judgment be used for public-school classroom construction. The little chart here that shows how the Kelley bill and the Scrivner plan work is on the desk here. You may have a copy.

The Kelley bill provides \$400 million a year. The 1 percent plan will yield nearly \$600 million a year, or a third more under the substitute proposed than the Kelley bill proposes under title I. It is interesting to note how it works out. Take Arizona, for example: Under the Kelley bill it looked like it was getting more. Under the keep-your-money-at-home-manage-it-yourself plan, Arizona gets substantially the same. Besides it does not have any cost and no control added on to it.

California, of course, does very well. Colorado works out surprisingly. Under the Kelley bill she pays in \$3,500,000, gets back \$3,600,000, but under the Scrivner plan she gets \$5,532,000 of her own money.

Connecticut comes out much better; and Delaware, of course, fares much better.

Florida comes out considerably better. Under the Kelley bill she pays in \$3,868,000 and takes out \$7,623,000, a net of approximately \$4 million. Under the keep-your-money-at-home-manage-it-yourself plan she gets \$5,999,000.

Idaho the same.

When you come to a rich State like New Mexico, comparatively speaking, it is surprising.

Mr. GAVIN. Mr. Chairman, I rise in opposition to the pro forma amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. GAVIN. Mr. Chairman, I listened with a great deal of interest to the remarks of my very good and able friend the gentleman from Texas [Mr. DIES]. He made a very able presentation that this proposed legislation is merely, as he stated, to get the foot in the door. After Federal aid for construction it will be Federal aid for education. There will be no way to stop it once they are in; it will be a continuing process over the years and they will have our educational system under the supervision of the Federal Government with its restrictions, regulation and regimentation with bureaucrats control rather than under the supervision of the municipalities, the counties, and the States of the Nation where it rightfully belongs.

I cannot understand the attitude of Congress on all these varied projects. We have a debt of \$276 billion; and as I have pointed out before, a million dollars is a thousand thousand dollars and a billion dollars is a thousand million, and we owe about 276 thousand million dollars that our people by the sweat of their brow must pay in some form of taxes if it is ever paid. Even if we paid it back at the rate of \$3 billion a year it would take us from 75 to 100 years to pay off the debt. So in all of these spending programs the only legacy we are bequeathing to the generation to follow us is a burden of taxation that will be a burden to them for the next 50 to 75 years.

It is difficult to understand, Mr. Chairman, why the Congress cannot appreciate the fact that the only way Uncle Sam secures money is by taxing the people. The interest on the national debt today is \$7 billion a year. That is \$7 billion in interest that we are paying each year just to pay the interest on the national debt, a terrific amount. Everyone thinks that when we get Federal aid no matter what it is for that they are getting something for nothing. It is a fallacy. We are not getting anything for nothing, whether it is Federal aid or State aid or whatever kind of aid it is. It must be paid for by taxes. However, everyone seems to think that Uncle Sam is a rich uncle, that his pockets are inexhaustible, that you can continue to spend and spend and nobody has to pay the bill. We all pay the bill and, as pointed out by the gentleman from Texas, somebody has to pay for these programs. The arguments of the gentleman from Texas are sound. We get greater value for the money we spend when it is spent by the boroughs, the municipalities and the States without

Federal intervention or without Federal supervision. This is an attempt to get a foot in the door and take over the supervision of the educational system of the Nation.

So I think we should proceed cautiously and carefully on all of these programs.

The school districts in my State have provided for our schools. They raise the money by bond issues. They take care of the educational system themselves and are doing a very fine job. What about those school districts that have taken care of their school requirements? If you pass this Federal aid construction bill the school districts throughout the Nation that were contemplating the building of schools will say: "Let us stop right now. Let us go no further with our plans because if we are going to get Federal aid we might hold up on our program now and it may be possible to secure some assistance from the Federal Government." Therefore you are going to nullify the ambitions and incentives of these people who are now working on programs to provide school facilities in the various districts throughout the Nation. How about the school districts that have already provided educational facilities for the youth of their communities? Are we going to reimburse them for what they have expended? Certainly not.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. GAVIN. I yield to the gentleman from West Virginia.

Mr. BAILEY. The gentleman's State of Pennsylvania under the national school survey it is shown has 2,505 school districts. 1,989 of those districts are not able on their own finances to meet the school needs.

Mr. GAVIN. Let the gentleman state who prepared that statement. Who prepared that information?

Mr. BAILEY. This is the national survey.

Mr. GAVIN. The national survey? Well, we are doing great work in school construction in Pennsylvania to provide facilities for the education of our youth.

Mr. BAILEY. Does the gentleman refuse to yield?

Mr. GAVIN. I decline to yield further. Permit me to say to the gentleman to look after West Virginia and we will look after Pennsylvania. I want to say you better think very carefully before you vote on this legislation.

So I want to state that it is time for a reawakening on the part of the American people to what is happening because in spite of the excellent philosophies underlying the American way, attempts are being made to ease onto the American people various programs which would bring our educational system under Federal supervision.

Therefore, we must be realists and proceed with caution on all these programs or it is a question of whether we can maintain our American way and the solvency of this Nation. Let us not delude ourselves into thinking that any of these programs will produce a utopia, without somebody paying the bills.

So I want to be recorded as being opposed to this program of Federal aid to school construction and will vote against

this legislation. I am against regulation, regimentation, and Federal intervention in our educational system.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. JOHANSEN. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I take this time because of comments which I have heard on and off the floor indicating some question as to the official position of the national convention of the American Legion on this issue. Because I wanted the full facts, of which I was very certain, and because I am sure my colleagues, regardless of their views on this issue, want the record straight, I took the liberty of communicating with my friend the national commander, J. Addington Wagner, of Battle Creek. In response I received this telegram, which came to me on yesterday:

I have been advised that there is some question among Members of the House regarding the American Legion's position on Federal aid to education and upon the pending bill H. R. 7535. I call to your attention the letter of transmittal from Miles Kennedy, director of the American Legion's national legislative division, accompanying the statement by Dr. Floyd Golden sent to all Members of the House June 26. As stated in that letter the American Legion is opposed to H. R. 7535 and urges the Congress to reject this measure.

J. ADDINGTON WAGNER,
National Commander.

In this statement issued to the Members of the House by Dr. Golden, vice chairman of the national Americanism commission of the American Legion, is quoted an official resolution adopted at the 37th National Convention of the American Legion held at Miami, Fla. Let me read this resolution:

At the 37th National Convention of the American Legion held at Miami, Fla., from October 10 to 13, 1955, the matter of the relationship of the National Government to general public education was reconsidered; and the 3,158 accredited delegates to the convention, representing every State in the Union, without a dissenting vote, adopted Resolution No. 588, containing the following restatement of principles with respect to public education:

1. That the State and local governments ought to, can and should assume and take care of primary and secondary school needs.

2. That under the Constitution of the United States, the full responsibility and authority (including financing) over the education of our children is reserved to the several States respectively and to the people.

3. That the States and local communities have the capacity to meet the financial requirements for education.

4. That the National Government should avoid interference, control or direction in educational processes or programs of the respective States, either directly or indirectly, or by grants-in-aid, appropriation, curriculum or program control, or by action of any agency, branch or department of the United States Government.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. JOHANSEN. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Well, now, in view of that attitude on the part of the American Legion, being opposed

to this bill, if I go along with them on this bill today, will that square me for not going along with them the other day?

Mr. JOHANSEN. I am sure the gentleman is astute enough to answer that question.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. JOHANSEN. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. The statement by Dr. Golden, which was included under the covering letter, is on general aid to education.

Mr. JOHANSEN. That is correct.

Mr. RHODES of Arizona. Can the gentleman tell me why that particular statement was included under a covering letter which purported to be against the Kelley bill, which is not general aid to education?

Mr. JOHANSEN. The statement in the resolution which I am placing in the RECORD includes this opening paragraph, "that the State and local governments ought to, can and should assume and take care of the primary and secondary school needs," I construe that to include buildings needs as well.

Mr. HENDERSON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HENDERSON. Mr. Chairman, this is one piece of legislation that does not require too much inner struggle in order that I might cast my vote. Federal aid to education in most any form that I could imagine is a distasteful subject. This grand country of ours has always operated and taken the position that education is a matter of local concern and local control.

The people of my district and the people of my State have long ago recognized that theirs is the responsibility to educate their children, and I have not received letters in any significant number which would indicate to me that the people of the 15th District of Ohio are any less willing to shoulder that responsibility today.

We have heard speakers on the floor of this House tell us of the numbers of school buildings which are needed throughout the country. We have been assured that schools have found it necessary to operate on a split-shift basis. We have heard of the overcrowded conditions which exist. I will agree that buildings are needed, that overcrowded conditions do exist, and that new facilities are needed all the time. But it is my position that the same responsibility which exists for the education of our children calls upon the local and State governments to provide the needed additional facilities.

Our Federal Government has no money other than that which it takes from the people back in Cambridge, Zanesville, Marietta, Caldwell, New Lexington, and the other cities, villages, and school districts of southeastern Ohio and the rest of our country. The only way that the Federal Government can get

money is to call upon the people back home to pay the bill. You know and they know that when Ohioans are called upon to pay a Federal bill, that Ohio comes out the small end of the horn. Such is the case with many of our States.

Under the bill that is before us, Ohio will be called upon to pay \$26,936,000, and, in return for that payment, will receive from the Federal Government \$20,236,416. Ohio will lose \$6,699,584 in the process. Let us leave the responsibility for building schools providing education exactly where it is today.

The State of Ohio is reviewing its educational setup and seeking to modernize it. It has recognized that there is a need for additional facilities and additional funds. It has recognized that something needs to be done in Ohio for the reallocation of responsibility within localities. Let us let the State of Ohio and the other States of our Union work out these local problems. If they are not taxing themselves enough for education they must find a method of doing so. Parents are not going to stand idly by with inadequate school facilities. As soon as they realize in all of the States, in all of the localities, they cannot look to Washington for funds for education, they are going to set about in an orderly fashion and provide those functions and those facilities for themselves. There is not a single State that cannot better afford the cost of educating its children than can the Federal Government with its heavily indebted Treasury.

On the other hand, I am sure that so long as there is a question of doubt in the minds of the people in my State and the other States, that the Federal Government is going to come along and tax them and take their money in order to help them to build the schools that they should build for themselves, there will be a tendency on the part of local school authorities to hold back, delay, and wait for the day. Let us get the Federal Government out of even the prospects of the school-construction program so that the States can go to work and do their job.

There is no question in my mind that some renewed study on the part of school officials in Ohio is going to result in a new plan for that State whereby local tax funds will be allocated upon a more equitable basis, so that each pupil in the State will get the greatest benefit out of each tax dollar spent. And what can be done in Ohio can be done in the rest of the States.

We hear that this program as proposed is merely a temporary stopgap measure. I question very much that any function which the Federal Government takes remains a temporary matter very long. For once the foot is in the door, once the camel gets his head under the tent, these Federal programs somehow go all the way. And if it is truly a temporary measure, these \$400 million of grants per year in the proposed bill would amount to less than 4 percent of public funds that are now being spent on schools. They would hardly be a drop in the bucket. Those same \$400 million, coming from the same sources—from the people themselves, but dispensed through other channels—can build the same

number of schoolrooms without the dangers and irritation of Federal control and intervention.

Several of the newspapers in my congressional district have been outspoken in opposition to Federal aid for education. The Marietta Daily Times has devoted a number of editorials to the subject. In one of them it made the following comment:

It has become fashionable in some circles to assume that Federal aid for everything is *prima facie* liberalism.

When carefully analyzed Federal aid for education is not liberalism but another move in the growing demand that the Federal Government take over larger and larger areas of welfare, thereby encouraging the withering of State and local tax-collecting instrumentalities.

I would like to comment briefly upon that point. I have heard it mentioned here on the floor of the House that the Federal Government has invaded so many fields of activity in taxation that, finally, we have reached the point where it is necessary to take over the function of providing for our schools because there are no fields remaining for taxation. I will agree that the Federal Government has gone far afield in finding sources of taxation but I'll never agree that because it has that it cannot undo what it has already done, and furthermore, that because of one bad action it should follow it with a far worse one by invading another local function.

The Ohio White House Conference Committee on Education, in a statement of principles adopted November 4, 1955, said:

This committee believes that Ohio has sufficient wealth to support its own system of public education entirely and at any level of excellence the people of Ohio may desire. * * *

We believe Ohio does not need and should not seek Federal aid from the Federal Government for school purposes. * * *

Only if it can be demonstrated by the most authentic, impartial evidence that there are States so desperately lacking in resources that the financing of adequate schools will be an unreasonable burden on their taxpayers should the Congress consider supplying aid to such States. * * *

Finally, we point to the fact that no Federal school aid can ever be equitably distributed to the States without the establishing of certain required standards which inevitably will result in a degree of Federal interference and control over the schools in those States which accept such aid.

Gov. Allen Shivers, of Texas, in an address to the Texas Conference on Education, had this to say:

Federal aid may not automatically involve Federal control and interference but I have never seen Federal aid given without some measure of control. Federal aid in the field of education would be disastrous. I think most of you will readily realize the implications of such control and I am positive that the vast majority of Texans would resist with all their might any effort to impose control by the Federal Government.

Federal money is only taxes and taxes come from the State in one way or another. There is no important source of money for the Federal Government that is not within the boundaries of the individual States.

I should like to read an editorial from the Marietta Times of February 16, 1956. The editorial is as follows:

"AID, BUT NOT CONTROL"

Politically minded groups within State and National organizations of educators continue to play up the belief that if more Federal millions are appropriated as aid to public schools it will not mean Federal control of classrooms and school administration.

In 1916, or 40 years ago, Congress enacted the Smith-Hughes Act. It was designed to give Federal aid to vocational education. During the long debate over the measure its proponents shouted from the housetops and soapboxes that "Federal aid will not mean Federal control."

Take a look at the book entitled "Administration of Vocational Education." It is issued by the Federal Government and sets forth the requirements which each State must meet to share in this aid. In the book this sentence stands out: "Each State is required to submit a plan which must meet the approval of the Federal office of education."

Can advocates of Federal school aid today be any more sincere, in believing that Federal control would not result, than they were back in 1916?

When the President recently called for a 5-year program of Federal aid to schools the band wagon was rather quick to begin filling. But not all school administrators, teachers, and patrons favor Federal aid, and the plan has strong opposition in Congress.

However, this is an election year. Both major parties are straining muscles and mixing vote-getting bait, and Federal aid to schools, with or without Federal control, carries much weight in many election precincts.

The Ohio Chamber of Commerce has pointed out that Ohio has expressed a willingness to pay its way. In an analysis of the education system, it said:

Although the schools of Ohio have much to be desired, it might be pointed out that the voters of Ohio have expressed and shown a willingness on their part to support their local schools through general taxation and bond issues. In Ohio in 1955, bond issues totaling \$123 million were submitted to the people. Of this amount \$103 million was approved and \$20 million disapproved, an approval percentage of 83.59 percent. During the 1951 to 1955 5-year period total bond issues submitted reached \$597 million and \$480 million was approved, a percentage of 80.32.

Mr. Chairman, it seems to me that Ohio is demonstrating that it needs no Federal grants for its educational work and I am convinced that what is true of Ohio is true or can be true of the other States of the Union. From an editorial content point of view, one of the finest papers in the State of Ohio is the Morgan County Herald. Its editorial columns have always contained most thoughtful and penetrating discussions of important subjects. I would like to quote from the editorials of the Morgan County Herald of December 15, 1955, and February 16, 1956.

[From the Morgan County Herald of December 15, 1955]

FEDERAL AID TO SCHOOLS

As was prophesied by skeptical observers of the tempora and mores, the little White House conference on education was largely a blind behind which Federal aid for schools was promoted. For some reason thousands

of doctrinaire professors consider Federal aid as the remedy for all the ills inherent in the school problem. Instead of a solution to the question, it poses far more problems than it solves. From a selfish standpoint, what can the taxpayers of Ohio hope to gain by Federal aid? As pointed out by Mr. Manahan, an Ohio legislator and an authority on school questions in this State, who has made a searching and exhaustive examination of every angle of the question, Ohio has ample taxable resources to have any sort of schools we want. Why should the people of Ohio be taxed, for instance, to build schools and raise the salaries of teachers in Arkansas?

It cannot be denied that Federal aid eventually means Federal control of schools. Grants-in-aid will be conditioned upon the Federal program. Do parents want their children indoctrinated by what may be the radical opinions of some left-wing professor? Do they want the school curriculum and what their children are taught, left entirely in the hands of Washington bureaucrats?

The Hoover Commission's recent report of the vast and unwieldy Federal bureaucracy, with its hundreds of thousands of employees, and billions of public funds largely wasted in administering the national affairs—should be sufficient warning to any thoughtful and patriotic citizen, concerned about the direction our Government is headed. Shall we add another army to the vast horde already on the public payroll? Where other than from our own money, does Federal aid come? Do the overburdened taxpayers of this State profit by sending a tax dollar to Washington, have it scalped by a heavy percentage of administrative charges, and the remainder returned to Ohio as Federal aid? There are still a large number of naive persons who cannot grasp the fact that all the Government has is what it takes from you and me.

Once Federal aid for schools becomes general, the highest paid school administrators will not be the best school men—they will be the best beggars who can wangle the most from their Congressman for the schools of their administrative unit. Politicians, as administrative heads for the school systems, will succeed the conscientious teacher who sacrifices himself for what is the best for his school. Public interest in schools will still further deteriorate about in proportion to the square of the distance from the local school to Washington. People have little enough to say about their schools and the curriculum since State aid became the commonplace. There is, however, good argument for rich counties in a State unit, helping support public education in poverty-ridden school districts. There is no argument for removing the parental and public direction and control of a public school system to a remote control at Washington.

Each year sees less and less of home rule and more and more of bureaucratic rule from Columbus and Washington. As home rule is surrendered on local problems and given over for solution to State and Federal Government, the public interest in public affairs proportionately declines. Have the American people become so helpless and dependent that they are no longer able to conduct their own local affairs? Do parents want their children trained to become the image of what some Federal educational doctrinaire thinks he should be and become? If the coming Congress reads the temper of the people aright, they will find that a large majority is opposed to weakly surrendering control of something as basic and fundamental as the training of their own children in their own public school system. Taxes piled upon taxes, bureaucracy piled upon bureaucracy, home rule becoming a fiction, a country up to its neck in debt, and 30 cents of every dollar taxed to maintain a vast and overweening structure which some day will crazily topple over or blow up in our faces. Have

people really become so incapable of administering their public affairs that they look to Washington for solution of every question which confronts community welfare?

[From the Morgan County Herald of February 16, 1956]

A DANGEROUS AND EXPENSIVE MYTH

"Let me teach for a generation, and I will become ruler of the state." These wise words were uttered by Napoleon Bonaparte. The world's greatest military genius thus pays tribute to the teachers and their power and influence in any state. Napoleon well knew that "as the twig is bent, the tree's inclined." The plastic mind of a child can be molded. Once the concrete has hardened with time, few people change their opinions very much. What we think and are is largely what we are taught and what we hear when a child. Of course, there are exceptions to this generalization. Some men and women grow and expand mentally and are able to overcome early prejudices and predilections. In the main, however, we are pretty much the product of the school, and the home, and our environment.

Every dictator knows the value of control of what the youth of the land is taught. They arise to power through youth movements. Mussolini, Hitler, Stalin, all knew the vast importance of training children for what they wanted them to be. Every Russian child is indoctrinated with communism. It is his substitute for religion. From what we gather it is sophistry to believe communism is thrust down the throat of your Muscovite. To the contrary, the average Russian, especially the youth of that nation, are fanatically devoted to its precepts. He believes he is a crusader and his system of economics and political beliefs will eventually rule the world. No Communist can be a good American citizen. His first sworn allegiance, regardless of where he lives, is to Russia. As the Mohammedan looks toward Mecca when he prays, the Communist anywhere in the world faces toward Moscow.

These comments lead us up to the danger of Federal aid which is the same thing as Federal control—for aid will be predicated on how a school follows the prescribed curricula from Washington. Federal aid, as suggested by the President, for school buildings to relieve an emergency, is a Trojan horse. All Federal programs start the same way. Initially, a comparatively small sum is requested, to allay public fears and anaesthetize the critics of Federal aims. Once the door is opened, a bureau will be established which will flourish and grow as the green bay tree. Did you ever hear of powers once surrendered to the Federal Government ever being returned to the people? A bureaucratic leech, once empowered, and given a soft berth at Washington is more difficult to dislodge than a barnacle on a ship. His object in life becomes the perpetuation of a soft job and an easy berth.

Federal school aid will grow and grow as parents, thousands of miles from Washington, take less and less interest in what their children are taught. They soon will become aware that it matters little how their offspring are taught as they will have little or nothing to say, even though sinister indoctrination of strange economic and political poison is injected into the inexperienced mind of their child. In the end, radical and doctrinaire school heads, will make of the next generation what they will.

Why Federal aid for schools? It has been conclusively proven that practically every State in the Union is financially able to have any sort of schools it wants to pay for. What folly to send the good money of an Ohio taxpayer to Washington, pay an army of school bureaucrats to sit in an office with their feet on a desk, doing nothing, and then return 50 cents of that dollar left over after they first take their "divvy," uphoniously dubbed,

"Federal aid for schools." Are the people of this country unable to even operate their own public schools with some parental control over what a child is taught, without some bureaucrat from Washington piping the tune while the taxpayers pay the fiddler?

In closing, Mr. Chairman, I would like to say that I am fearful of the provisions of this bill. I am fearful first of this additional departure into the field of Federal aid, particularly when it is aid for what has traditionally been a local matter. Our people want to retain control of our schools. The first educational system was in the home and we have extended that responsibility to our local communities. We do not want that responsibility to go on down to Washington. Secondly, the bill is putting the Government in the banking business by creating a bond purchase revolving fund with authority to purchase the obligations of local educational agencies. But finally, and most important, lurking in the background is the threat, the inevitability, of this becoming a permanent plan. And further than that, the idea of Federal intervention in education will catch on not only in school construction but also in the matter of finance, the matter of educational programs, and this will surely and certainly lead to virtually complete Federal control. We cannot escape these dangers if we approve this bill. We can and must provide for our own educational facilities and programs in our own States if the bill is not approved.

Mr. MATTHEWS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as a former schoolteacher and one who is very much interested in education, I, like you, have searched my soul in all seriousness and in all earnestness, and I have come to the conclusion that I must oppose this bill because I believe it opens the door to Federal control of education.

Also, Mr. Chairman, I want to point out a fact that I do not believe has been emphasized enough during the course of this debate, and that is that perhaps the greatest need in America today is for a sufficient number of men and women adequately trained to teach school and to place them in the various classrooms throughout this Nation where they are so vitally needed. The teachers of America have a terrific responsibility. In some of our schools the teachers of America have to take the place of the parents of America.

I was interested in reading just a few days ago of a nationwide survey among our teachers, a survey that asked them about the particular problems they faced, and the reason they face those problems, and the teachers of America said in effect that the biggest problem they had was the lack of proper homes in America and the fact that the parents of America were not accepting the responsibilities that they should.

I read an article the other day in a local paper which said there were, as I recall, about 14 disturbances in the Washington public schools this past year. Some of these disturbances involve the flashing of a knife or a dagger. Then the article went on to say that there were less disturbances this year than last year.

But, Mr. Chairman, I submit, if I were a teacher and someone flashed a dagger or a knife at me, I do not know what you would do, but if you will excuse a colloquial expression, I would hunt the high timber just as rapidly as I could.

So I am suggesting that schoolteachers who have to face an occasional knife or dagger in some of the areas of this country of ours are the ones in America today who need to be given special attention. I read in the local paper this last week that there were 95 girls in the District schools under 16 years of age who had to leave school because of expectant motherhood. And they did not even take into account the number over 16 years of age.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman.

Mr. BROOKS of Louisiana. There was a very edifying article in this week's Newsweek regarding conditions in the District schools which will attract the attention of the gentleman, I am sure, when he sees it. I commend it to his reading.

Mr. MATTHEWS. I appreciate the gentleman's suggestion very much. Let me repeat: 95 girls under 16 years of age; and it did not take into account those over 16 years of age.

Mr. Chairman, I know that those conditions do not exist in many schools in America, but my point is that I believe a bigger need in America today is for more attention to the problem of giving our boys and girls good teachers than the pressing problem of classrooms and I know that problem is urgent. As for me, I would rather have my child on one end of a log with a good teacher adequately paid on the other end than to have my child in the finest classroom in America with a teacher who is underpaid, a teacher who has no opportunity to make a decent living out of his job and who naturally resents the greater financial opportunity of someone else who has had no benefit of special professional training but can make much more money than the teacher.

Mr. Chairman, that leads me to this next point which has been suggested. How are we going to get money for the teachers of America? We are going to get money, Mr. Chairman, by the Congress using to the best of its ability, its best sense to provide a fiscal policy in this Nation that will make that possible. I have determined on this course, for whatever time I have remaining in Congress that to the best of my ability I shall remind our people at every instance that the only way they get money is through the taxes that they must pay. I am very proud that we passed a highway bill the other day that provided a pay-as-you-go plan. The newspapers in Florida reminded the people of that.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. MATTHEWS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MATTHEWS. Mr. Chairman, they were reminded that on the 1st of July, every user of gasoline in Florida would have to pay 1 more cent a gallon for his gasoline. I think that is good. Mr. Chairman, would you believe me when I suggest that sometimes I believe some people think that all you have to do to get money in Washington is just to shake it off the cherry trees. Mr. Chairman, the point was made in this debate the other day that the strength of this Government comes from the strength of the people at home. And the strength of the people at home is what provides us the moral sinews; it is what provides us with the tax money that we need to operate this great Nation of ours.

I have been worried more and more about the increasing tendency toward what seems to me to be a lack of fiscal responsibility on the part of those of us in Congress. I would gladly vote for a measure, if I had the opportunity to do so, which would say that for every appropriation you have to provide for the tax revenue to go along with it. I think it would be good for our people to realize that fact more and more.

The point is you can never get money to pay your school teachers, you can never get money to build your classrooms, unless we adopt a saner policy of fiscal solvency and leave the States adequate sources of tax revenue to provide for their educational needs.

I am going to tell you about one other problem that distresses me, one that is just as acute now, I think, almost, as the problem of the classroom shortage in the public schools, and that is the problem of the classroom shortage and the dormitory shortage on the part of the institutions of higher learning in our country.

The institutions of higher learning of this Nation are looking to Congress right now for help in providing the facilities they need. I have been very much impressed with the fact that we have provided in previous years a pay-as-you-go plan to help them build their dormitories. I hope with all my heart we can continue that plan this year despite the temporary stalemate and we can have a pay-as-you-go plan with the States returning the money. Believe me, Mr. Chairman, this situation of inadequate facilities not only in our public schools but in our institutions of higher learning is an acute situation.

We in Congress talk a lot about the shortage of trained scientists and other personnel, and how true that is. That is another tragic problem the teachers have to face. In a class they may have 2 or 3 students who are outstanding and 2 or 3 students who are at the bottom of the educational achievement level. For some reason, in America we seem to take so much more time with those children who are at the bottom of the ladder. We used to call them retarded children. We call them exceptional children now. We do not have in the classrooms of America and in the institutions of higher learning in America enough money to spend for the personnel to inspire those few at the top, and that is the only way we are ever going to get the scientists and the trained research personnel we need.

So I say to you, I hope in all our deliberations we will keep in mind these things also.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield.

Mr. RHODES of Arizona. Since the gentleman is in favor of the building of dormitories by federally guaranteed bonds, I presume the gentleman would also be in favor of titles II and III of this act, which provide for the purchase of bonds by the Federal Government in title II and by the purchase of bonds from school building agencies in the State in title III. These are also self-liquidating.

Mr. MATTHEWS. This bill embarks on a new program, a program that has been started since the tragic decision that I am sure both the gentleman and I are familiar with. For that reason I cannot approve of the embarkation on any kind of a new and different program such as this bill contemplates.

Mr. RHODES of Arizona. Did the gentleman just state his real reason for his opposition to this bill?

Mr. MATTHEWS. My chief reason is as I have already stated that I think the Federal Government will inevitably have control of the public schools of our country if we embark upon this new type of program.

Mr. RHODES of Arizona. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield.

Mr. THOMPSON of New Jersey. Does the gentleman see any inconsistency between his position on this bill and on Public Laws 815 and 874, providing for Federal assistance for schools in impacted areas?

Mr. MATTHEWS. I would remind the gentleman that the original law was passed before we had this tragic decision to which I have referred. I do not know what my position in the future would be on that law.

Again I say I am opposed to the bill. The question I have had to resolve in my own mind is whether or not I shall be a party to a process which started 2 years ago with the Supreme Court's decision on segregation in our schools—a process to take away from our States their last bit of authority in the administration of their public schools. The people I represent want me, at every opportunity, to fight for the privilege of our States to administer our schools as the States may resolve. If this school construction bill is adopted either with or without the antisegregation amendment it is my humble opinion that it will still open the door to supreme domination of our public schools by the Federal Government. I am not a lawyer but I have consulted with outstanding lawyers, and I am convinced that if the school construction bill is adopted without the antisegregation amendment that the responsibility of deciding whether or not to withhold Federal funds from States or localities maintaining segregated schools will fall upon the administrator of the programs, the United States Commissioner of Education. I cannot envision a state of affairs where litigation would not ensue and the issue would be decided

by the Court. I hazard the opinion, also, that in line with the recent policy of the Supreme Court that funds would be denied our public schools in the Deep South that still have segregation. So for that compelling reason, I am opposed to the bill.

I want to take this opportunity to talk about the progress of our Negro citizens in the South through the past 50 years. I believe this progress is greater than that enjoyed by their brethren in other parts of the country. I want, particularly, to dwell upon the progress of Negro education in the South, based upon separate but equal facilities.

In my own State of Florida, we point with pride to the new school-building program for our Negro citizens resulting in schools which in certain areas are more modern and have better facilities than the schools which had been built for white boys and girls. I want to emphasize, too, Mr. Speaker, that I think this progress has not been made because of a fear of the possible abandonment of the separate but equal doctrine, but rather this progress has been made possible by the Christian conscience of white men and women throughout Florida, and of course, a similar situation has occurred throughout the whole Southland. Progress which is motivated by good will and the spirit of brotherhood is American progress. It is interesting to note that the Prince of Peace never went to Rome to get a law passed. He recognized this basic principle of progress and that is that we move forward to a better world only through understanding, human brotherhood, and expression of religious ideals. You cannot legislate tolerance, good will, and the spirit of human brotherhood.

I have been particularly interested in the opportunities of our Negro school-teachers in Florida. We have in our State a minimum-foundation program for teacher's salaries which are allocated on the basis of certificate held, and no difference is made for race or teaching level. Supplements to this basic minimum-foundation program allocation are set by local county boards of public instruction. In all but 13 counties the supplements for both races are identical. In 5 of these counties, the difference is \$60 or less a year. All of the larger counties in Florida employing about 90 percent of our Negro teachers have single salary schedules. A tentative compilation for the school year 1954-55 shows that Florida employed 5,566 Negro instructional personnel, principals, teachers, and other instructional staff, at an average annual salary of \$3,729.44, as compared to 19,563 white instructional personnel at an average annual salary of \$3,885.90. Now, when you take into consideration that this difference in salary, which is slight, is due to the fact that a larger percentage of white teachers than Negro teachers are found possessing the doctor's degree and master's degree, and both of these ranks receive high salary allocations under a minimum-foundation program, and when you find that in the average annual salaries reported, there were reported both 10- and 12-month personnel, and that the percentage of white instructional personnel rendering

12-month service is greater than the percent of Negro teachers employed for 12 months, and when you further analyze Florida educational personnel statistics and find that the white schools are generally larger than the Negro schools, and hence principals are paid more in larger schools, I think you can conclude that there is absolutely no differentiation in teachers salaries in Florida paid to white and Negro teachers.

In other words, in the school year 1954-55, about \$21 million was paid to Negro instructional personnel. I do not believe any State in the Union has a better record for opportunity for Negro citizens in their educational field than our own State of Florida. Let us take into consideration also that when you consider the population of our Negro citizens as compared to the population of our white citizens, that the ratio of Negro teachers finding employment to white teachers finding employment is indeed very favorable.

Studies in the various public schools throughout the State of Florida have indicated that the standards of our Negro schools were below those of our white schools in educational achievement. Just recently we were told in Florida that only 82 of 1,637 Florida Negro high school graduates could be admitted to the Negro university, Florida A & M, if the educational requirements there were as high as at the University of Florida.

Here I want to quote from an address by the Honorable Thomas D. Bailey, superintendent of public instruction for Florida, that appeared in the Florida Times Union, June 23, 1956:

BAILEY RAWS SCHOOL LAG OF NEGROES

DAYTONA BEACH, June 22.—State School Superintendent Thomas D. Bailey said today there is "no reasonable excuse" for the failure of Negro pupils to match the scholastic achievements of white students in the public schools.

Bailey told a conference of Negro public school principals that "excellent school facilities are being provided (for Negroes) with improved materials as tools with which to work."

He said there are more Negro teachers percentagewise with 4 years of college training than there are white teachers. Salary scales among white and Negro teachers are almost identical, he said.

Yet, Bailey said, in this year's senior high-school tests, on which admissions to the State universities are based, "there was no Negro student who scored up to the level of the top 20 percent of white students."

Only 1 percent of the Negroes scored as well as the top 30 percent of the white students on most of the tests and only 2 percent of the Negro students scored as well as the top 40 percent of the white students, he said.

"If the present admission policies of the university (of Florida) as adopted by the board of control were used at Florida A. and M. University next year, based on this year's scores of seniors in Negro schools, it would seem that only 5 percent of all who took the tests would be eligible to attend that university. Or saying it another way, only about 82 of 1,637 who took the test would be eligible to enter Florida A. and M. or any other State institution of higher learning," Bailey said.

"There may be some reasons for this situation existing in the past few years, but I submit that you are challenged to require a higher degree of performance in the future. * * * There seems to be no reasonable excuse for a continuation of the lag between

the achievement of students of the two races," he said.

When we read these facts, however, Mr. Chairman, we are often apt to forget the tremendous, almost unbelievable, progress that has been made in educational attainment by our Negro citizens during the past 50 years. That progress, I repeat again, came through the separate but equal doctrine which was gladly accepted by the Southland, despite the tremendous cost in taxation and the disproportionate burden that it placed upon the white citizens of our area of the country.

Lest anyone think that the Supreme Court's decision on segregation has failed to produce tremendous problems in my own State of Florida, I want to quote an Associated Press article as it appeared in the Palatka Daily News, Palatka, Fla., Monday, June 19, 1956—an article concerning a talk by Florida's brilliant attorney general, the Honorable Richard Ervin:

Attorney General Richard Ervin proposed today the creation of a Florida Advisory Commission empowered to recommend legal solutions to racial problems and to negotiate settlements wherever possible within the law.

Combined with this administrative agency, Ervin recommended a four-point legislative program he said would help cope with new racial problems brought on by recent United States Supreme Court desegregation decisions.

The recommendations came in a speech prepared for delivery before the Fort Pierce Rotary Club in which he said that recent United States Supreme Court desegregation decisions had resulted in deterioration of racial relations and were leading to hostility and conflict.

The attorney general said the Supreme Court in the school desegregation case had substituted "revolutionary explosive absolutism" for its long-accepted "separate but equal" doctrine which he said had permitted settlement of racial problems on a gradual basis.

Legal steps which he said could be taken by legislation or constitutional amendment proposals to meet the current racial problems were: (1) an extension of the 1955 State school assignment law providing additional administrative processes and appeals both at grade school and college levels. The 1955 law permitted county school authorities to assign public school pupils to classes for which they were best fitted. (2) An interposition resolution seeking to maintain the States power of local regulation under the reserved powers of the 10th amendment. Ervin said whether such a resolution would prove of legal value remained to be seen, "but it represents, until tested, the only legal means to formally raise the question of usurpation of State sovereignty by action of the United States Supreme Court." (3) Conferring upon the governor additional authority to take emergency preventive action to avoid public disorder and breaches of peace arising out of racial conflict or imminence of the same from attempts to implement desegregation decisions of the Federal court. (4) Machinery whereby a referendum vote could be called upon the proposition of abolishing any public facility or service to assure citizens of any county or district that compulsory desegregation would not be forced upon them. Ervin said that in such cases public grants might be made to alleviate individual disadvantages.

Such a program as Ervin recommends could be considered at a special session of the Florida Legislature which Governor Collins has indicated he would call for mid-

July. Collins has said segregation matters would be included in the call.

"The alternative to this positive approach is continued deterioration of race relations with each new crisis fraught with racial and community disturbances," Ervin said.

"The State could, in the manner suggested, fill this vacuum of hostility and bitterness created by the absolutism of the United States Supreme Court—which the Congress has failed to fill—and meet each issue with understanding, patience, wisdom, and realism." Ervin said that "Necessity sometimes forces practical solutions even in the face of the highest judicial authority."

However, he declared that defiance and unlawful resistance had no part in the picture. "Instead what is proposed is moderating State action within legal and permissible limits," he said.

"The approach should be one of realistic voluntariness and cooperation—not one of attempting to drive free men into hostility and conflict."

Now, Mr. Chairman, a few months ago under the direction of the State Board of Control of Florida, many thousands of alumni and friends of my alma mater, the University of Florida at Gainesville, were sent questionnaires to determine what their reaction would be on integration at the University of Florida. One, a Negro citizen, Virgil Hawkins, has been attempting to gain admission into the University of Florida's law school. The Supreme Court ordered the immediate admission of Virgil Hawkins, without giving the State of Florida a hearing on the results of the questionnaires that were returned by the thousands. It is interesting to note that these questionnaires indicated without a shadow of a doubt that there would be considerable racial disturbances if Virgil Hawkins were admitted to the University of Florida. However, there was no consideration given to these facts, and this attitude of absolutism was one of the driving forces, I am sure, which caused our able Attorney General to make the kind of a talk that I have just quoted.

Mr. Chairman, in my humble opinion the cause of our Negro citizens in the southland has been set back by many years because of the Supreme Court's decision.

I should like to comment briefly on the integrated schools in the District of Columbia. I am delighted that the appropriate committees of the House and the Senate are planning a fair study on the effects of this integration. I am particularly anxious to note what the standards are now in the schools in the District. I want to know if the recent great migration from the District to the suburbs is largely a result of integration. I would like to know how many children are subjected to integration against their will. If they are, I would like to know what rights they have under the Constitution. I would like to know more in detail about various disorders. I noticed in a local paper the accounts of just a few knifings and other disturbances that have occurred in our integrated schools. In my opinion, Mr. Speaker, just one knifing is a terrible tragedy. I taught in the public schools of Florida for many years, and I do not ever remember one single case of knifing. I can imagine of no more horrible experience for a boy or girl to have than to be confronted with a dagger or a knife. Those of us who by reason of material advantages do not have to confront this situation firsthand, should never forget the position of the citizen without material advantage who has to

be subjected to the results of the Supreme Court's decision. I shall await with interest the exhaustive study that I hope will be made of the problem here in the District's schools.

I cannot close without paying tribute to the people in my section of the country of both races who are trying to solve this problem on the basis of goodwill and human understanding. I know within my heart that the only solution to the administration of our schools and to all problems involving the mores and traditions of our people is to permit our States to handle these problems on the basis as they see fit. I stand on that principle. I stake my political future on that principle. It is for that reason that I cannot vote for this Federal aid to education because I am convinced that it would be the final act in the complete abrogation of our States rights to administer their own public schools.

Mr. BARDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I only ask for this time for the purpose—I guess it might be termed—of begging the committee to let us get started reading the bill. I realize we have had a lot of debate and I am perfectly aware of the fact that the committee utilized or used up most of the time in general debate. I propose to be as patient as anyone and will be reluctant to raise an objection to debate.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. HOFFMAN of Michigan. You said the committee used most of the time. I have no doubt you are accurate about that, but I want to call your attention to the fact that two members of the committee at least have not used any time.

Mr. BARDEN. I do not believe the gentleman asked for any.

Mr. HOFFMAN of Michigan. I did not, no—I do not believe the other gentleman did.

Mr. BARDEN. The gentleman is a very high standing member of the committee.

Mr. HOFFMAN of Michigan. I just did not want the committee to think that all the members of the committee had hogged all the time.

Mr. BARDEN. No, no, I am not trying to say anything ugly about anybody. I have been waiting around and so has the membership to get going on this bill. I am not saying I am going to object to requests to speak for more than 5 minutes, but I am simply pleading with the Members. If we expect to hear any firecrackers shooting tomorrow, we had better get going now. That is all I have to say.

Mr. Chairman, if we get to the reading of the bill and get started, I believe that much of this debate can be had on amendments.

Mr. SADLAK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in deference to the chairman of the Committee on Education and Labor, I ask for this 5 minutes at this time in order to save time later on in the afternoon.

Mr. Chairman, at the appropriate time, if recognized, I expect to propose an amendment which will strike out all

sections of title I and I desire to tell the House now the reason for my action. In reading some history recently, I came across a report that back in 1836 when our great country had a surplus under the administration of Andrew Jackson, they did not know what to do with the surplus. It seemed to me we had something tantamount this year in view of the statement that our great Secretary of the Treasury announced not so long ago that although the original estimates of an anticipated surplus this year would approximate only \$200,000, it was possible that the surplus this year would reach approximately \$1,800,000,000. Therefore, it seems to me that since we had a precedent back in 1836 as to the proper disposal of the surplus, we might apply the same rule at this time and apply it for the purposes of sending it back to the States for the building of these much needed schools and classrooms. I found that the surplus was sent back to the States and many of the States used part of the funds for school purposes. My own State of Connecticut received some \$700,000 and \$880,000 of that amount was set aside among the 168 of the 169 towns for school purposes. Therein originated the so-called town-deposit fund. That fund has continued to this day. As a matter of fact, the income from this fund is used each year for school purposes. This year it will approximate \$50,000. Imagine, if you will, that if we take, not all of the anticipated surplus this year, but an amount equal to what is sought in the Kelley bill, namely, \$1,600,000,000, and send that back to the States on the basis of the number of electors, and, of course, we have 531 electors and taking into consideration the Territories as well, it would mean that a State like Vermont where they have 1 Congressman at large and they have 3 electoral votes, they would receive approximately \$9 million. My own State, with 8 electoral votes, would receive \$24 million, and so on down the line with each State. A fuller explanation is found on pages 10285 and 10286 of the CONGRESSIONAL RECORD of June 13, 1956. But, mind you, this would be a one-shot proposition; each State would receive its proportion of this \$1,600,000,000. It would go back to the State without any further strings attached by the Federal Government, and there would be no further concern about the Government's being in the school business, because we would send it back to the States, apportion it to the States, so that the States would use these funds for the building of schools as they saw fit.

I appreciate that the other States do not have a setup such as we have in Connecticut which has lasted since 1836 and under which we would be prepared and ready for the money which would be given us under this suggestion, and the money would be utilized for the construction of schools. I feel that it is not an administrative problem that could not be overcome, and it would work out the serious problem we are faced with.

If we were to make an apportionment of the surplus funds in the form of a tax refund to each taxpayer it might mean that the individual would receive \$5 or

\$10, but he or she would not turn it over to the local school district for the purpose of building schools. Under the plan I suggest the money would be used for school construction.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SADLAK. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Would this tax money go to the Federal Government and then be paid back or would it be retained in the first instance by the States?

Mr. SADLAK. The gentleman must understand that we now have the funds here in the Federal Treasury in accordance with the statement made by the Secretary of the Treasury earlier this year. That money is here. He has said that our surplus in the fiscal year ended 2 days ago, would approximate \$1,800,000,000. Therefore the money is here. It would go back to the States to be used for school purposes.

Mr. HOFFMAN of Michigan. It is already here now?

Mr. SADLAK. It is already here now according to the figures that have been given us.

Mr. HOFFMAN of Michigan. That is most unusual, is it not?

Mr. SADLAK. It is unusual; it shows good national administration.

Mr. HOFFMAN of Michigan. There would not be any service charge for giving it back to the States, would there?

Mr. SADLAK. Definitely not. It would not be too difficult to draw a check to a State treasurer allotting a State's entitlement under my suggestion which adheres to the first such Federal surplus distribution to the States.

Mr. BYRD. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BYRD. Mr. Chairman, I rise in support of the bill, H. R. 7535, and I take this opportunity to commend the committee for its untiring efforts and zeal throughout its extensive study and investigation of the general construction needs for public elementary and secondary school buildings. The bill here before us will provide prompt and effective relief for the problem that now faces the country.

In extending my support to the bill, I wish to refer briefly to the various programs authorized under the proposed legislation. Title I authorizes an annual appropriation of \$400 million for allocation to each State on the basis of the entire school-age population, that is, children between the ages of 5 and 17. The fact that such assistance might range from a maximum of 50 percent of the construction cost down to a minimum of no assistance is also in keeping with the purpose of the legislation, which is to stimulate local action to make it possible for the States to realize their objective in solving the pressing problem of the classroom shortage.

Title II, which permits the purchase of bonds issued by local communities, recognizes the situation existing in some

States in which the local communities are capable of financing their own school construction but are unable to obtain such financing from other sources on reasonable terms.

It is plain that this assistance cannot be regarded as disturbing the procedures under which the various States are carrying out their school-construction programs. Title II authorizes an initial appropriation of \$300 million and provides that such obligations should bear interest at the rate determined by the Secretary of the Treasury for long-term Federal obligations, plus three-eighths of 1 percent. Likewise, under this title the assistance given will be conditioned on the certification of the State education agency that the local body issuing the obligations is unable to obtain moneys from other sources upon reasonable terms and at the interest rate provided in the bill.

Title III of the bill permits the Commissioner to enter into agreements with State school-financing agencies by providing a Federal contribution toward a reserve fund to cover 1 year's payment of principal and interest on bonds issued by such agencies to build schools. These agencies would build schools for local communities which eventually would acquire title to them through rental payments. The Federal Government is authorized under this title to share in establishing reserve funds to cover \$6 billion in State school financing agency bonds.

Thus, the provisions of the bill make it plain that Federal participation is limited only to the construction of school buildings, and the bill does not in any way represent an interference in the field of education.

Can anyone say that the Congress has interfered with the functions of the States in enacting legislation providing for vocational assistance, school-lunch programs, land-grant colleges, and GI benefits? No one would claim that these Federal-aid programs have provided an opening wedge for the Federal Government to step into the education halls and dictate the school activities in the various States. Nor can it be claimed that Federal employees will be going into local school districts, for the simple reason that the bill makes clear in its several titles that the administration is to be by the State agencies.

The bill here under consideration has other beneficial results that cannot be overlooked. It is said that the States are making progress in providing the necessary classrooms and, therefore, that no reason exists for the Federal Government to expedite the work carried on by the States. But in those States that are making efforts to provide the necessary additional facilities, the aid provided under this bill will make it possible to direct more funds to other school needs such as teachers' salaries.

I can best illustrate the importance of the bill by referring to my own State of West Virginia. In 1932 a tax-limitation amendment reduced by almost two-thirds the school income and resulted in a transfer from the local districts to the State of the financing of the major part of the public elementary and secondary

schools. The counties were required to lay the maximum local tax, but with the maximum local tax and the State aid, no funds were left for construction. From 1932 to 1949 there was practically no school construction whatsoever. In 1949 the State made an appropriation of \$10 million for the aid of the counties in the construction of schools. Up to that time the maximum bonding capacity was 5 cents per \$100. In 1950 the people voted an amendment that permitted the schools only to tax an additional 3 mills or 3 cents on \$100. A few of the counties voted bonds, and, with the \$10 million aid from the State, a number of schoolrooms were constructed, but not a sufficient number to replace buildings that were worn out or that had deteriorated, and not a sufficient number to accommodate the increased enrollment.

Since 1952 outstanding bonds have been voted in many county districts practically to the limit of their bonding capacity. Kanawha County, which is in my congressional district and which has the largest assessment in the State, illustrates the problem that exists in this regard. During the course of the hearings on Federal aid for school construction, Dr. W. W. Trent, the State superintendent of free schools in West Virginia, testified on October 7, 1954, before a special subcommittee of the House. His testimony showed that Kanawha County at that time had bonded itself for \$9,125,000. The remaining bonding capacity was less than \$3 million. In order to accommodate the schools and complete the present structures, practically \$2 million would be required, with the result that less than \$1 million would be left for the next 20 years. On the other hand, the testimony pointed out that, were it possible to pool the outstanding bonding capacity of the State's 55 counties and use all of this capacity for the construction of buildings—thus using up all sources of revenue for the next 20 years, the State would still be short for building construction, the difference between \$119,727,000 and the \$59,120,539 unused bonding capacity, or approximately \$60,606,461.

Mr. Chairman, I believe we have all been alarmed by the recent reports and statistics which show that by 1960 Soviet specialists will far outnumber those of the United States. The report recently issued by the Joint Committee on Atomic Energy, based on a study of trained scientific manpower, states that in 1954 we graduated only half as many college-trained specialists in engineering and science as we did in 1950; while in the same year the Soviets turned out more than twice as many as we. The statistics present evidence that the lead long held by our country in numbers of effectively trained engineers and scientists is threatened. The hearings on the legislation before us have served to point up the serious classroom shortage that exists in the Nation. The warnings of Soviet advances in the field of education have alerted us. These facts clearly reveal the national duty that rests upon our shoulders. The bill before us will enable us to provide for the welfare of our children and to secure their future. Through this legislation, we shall protect

our educational system and give warm-hearted assurance to the communities throughout America that the entire country is sympathetically interested and willing to share the financial burden involved. Surely, we would be remiss in our duty if we were to fail to provide the opportunities for proper development of the mental resources of our school-age population, and, although this bill is not a panacea or a complete answer, it certainly does treat the construction factor, which is one major phase of the problem.

Mr. Chairman, the boys and girls who are entering kindergarten today will be the men and women of tomorrow. They will guide our Nation toward its ultimate destiny. It is our responsibility to provide the means whereby the minds of tomorrow's men and women may be fully prepared for the problems that will confront them. If our Nation is to remain a free land it is imperative that the innate genius of its people be given opportunity for cultivation and growth. If America is to remain a leader among nations we must provide fertile soil in which the seeds of leadership can grow. That soil, needless to say, is in the field of educational opportunity. Let us, then, arise to the needs of this hour and let us provide the means whereby man's mind can achieve its ultimate realization.

We are links in a vital chain, charged with a high duty both to the dead and the unborn. We are sons of sires who sleep in calm assurance that we will not betray the trust they gave to our hands, and we are the sires of sons who, in the beyond, wait confident that we shall not cheat them of their birthright.

Let us, then, act in the spirit of Kipling's immortal stanzas:

Our fathers in a wondrous age,
Ere yet the Earth was small,
Ensured to us a heritage,
And doubted not at all,
That we, the children of their heart,
Which then did beat so high,
In later time should play like part
For our posterity.

* * * * *

Then, freiful, murmur not they gave
So great a charge to keep,
Nor dream what awestruck time shall save
Their labor while we sleep.
Dear-bought and clear, a thousand year
Our fathers' title runs.
Makes we likewise their sacrifice,
Defrauding not our sons.

The CHAIRMAN. Does the gentleman from North Carolina care to offer the amendment to section 1 which is at the Clerk's desk?

Mr. BARDEN. Yes, Mr. Chairman, it is more or less a technical amendment, I believe.

The CHAIRMAN. This amendment was sent to the desk by the gentleman from West Virginia [Mr. BAILEY]. The Clerk will read the amendment.

The Clerk read as follows:

Page 1, line 5, strike out "1955" and insert "1956."

Mr. BARDEN. That is agreeable to the committee. It is a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BARDEN: Page 1, line 5, strike out "1955" and insert "1956."

The amendment was agreed to.

The Clerk read as follows:

Findings and purpose of act

SEC. 2. The Congress finds that despite sustained and vigorous efforts by the States and local communities, which have increased current school construction to an unprecedented level, there is still a serious national shortage of classrooms requiring emergency action on the part of the Federal Government. The limited financial resources available to a number of communities are not adequate to support construction programs of sufficient size to eliminate their classroom shortages. Other communities, in their efforts to apply their potential resources to their needs, are confronted with restrictive debt and tax limits, an inability to borrow the necessary funds at reasonable rates, and other obstacles. While the Congress recognizes that responsibility for providing adequate school facilities lies primarily with the States and local communities, the national interest requires that the Federal Government join with State and local governments in solving these pressing problems. It is the purpose of this act to provide alternative programs for the solution of these varied problems by authorizing (1) payments to State educational agencies, for assistance on a grant basis to communities where this type of assistance can be most effectively utilized, as determined under priorities established by the State; (2) purchase of bonds issued by communities which are capable of financing their own school construction, but cannot obtain such financing from other sources on reasonable terms; and (3) credit assistance to State school-financing agencies, to provide schools and related facilities in States in which such agencies are created.

TITLE I—PAYMENTS TO STATE EDUCATIONAL AGENCIES

Authorization of appropriations

SEC. 101. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1956, and the 3 succeeding fiscal years, such amounts, not to exceed \$400 million in any fiscal year, as may be necessary for making payments to State educational agencies under this title.

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRELINGHUYSEN: Page 3, line 6, strike out "three" and insert "four"; and on page 3, line 7, strike out "\$400,000,000" and insert "\$300,000,000."

Mr. FRELINGHUYSEN. Mr. Chairman, the purpose of this amendment is a simple one. It is to change the amount authorized under the bill from a total of \$1,600,000,000 to a total of \$1,500,000,000, and to extend the program from 4 years as provided in the bill to 5 years.

I should like to go back to the President's message in 1955 when he suggested a 3-year program of assistance by the Federal Government to correct in various ways a serious national shortage in classrooms. On the basis of those recommendations and on the basis of the consideration of a number of bills by the subcommittee on school construction of the House Education and Labor Committee a compromise was reached. This proposed a 4-year program, with Federal grants of \$400 million annually for that 4-year period to be included.

In January 1956, President Eisenhower again sent a special message on education to the Congress. I would like to quote from that message as follows:

A year ago I proposed a Federal program designed to aid the States and communities in overcoming the classroom shortage. The Congress has not yet enacted legislation. In the light of a full year of further experience and study, in the light of congressional hearings and the White House Conference on Education, I now submit a revised and broadened program to meet our pressing classroom needs.

He then proposed a four-point program, including a 5-year program of Federal grants of \$250 million for each of the next 5 years, for a total of \$1,250,000,000.

My amendment would compromise between the amount and the number of years in H. R. 7535, and the amount and the number of years proposed by the President. I would like to point out that the President stated also:

If speedily and fully utilized, this Federal program, added to the increased basic efforts of States and communities, should overcome the Nation's critical classroom shortage within 5 years. Once this shortage is overcome, the Federal-grant program can and must terminate. The States and localities should then go forward, without Federal funds, to meet their current and future needs. Present construction levels indicate their ability to do this.

Mr. Chairman, I do not think there should be much argument about the exact dollar amount of the grants or about the length of the program. I do not think members of the committee are likely to object to the proposal which I have made. It is my hope it can be adopted without lengthy discussion.

I would like to conclude, Mr. Chairman, by mentioning a remark made by the gentleman from Texas [Mr. Dies]. He suggested that the general purport of this bill is to provide assistance to States which are unwilling to help themselves. That is a misconception of the purpose of the bill. It is because we recognize that States can do more to build their own schools, and because we feel that the Federal Government can provide methods to expedite and to help them meet their own responsibilities, that we have suggested the program. It is not in any sense meant to result in taking over the finances of the schools by the Federal Government and, in my opinion, this modest program of Federal grants would not do that.

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from North Carolina.

Mr. BARDEN. As I understand it, the gentleman changes the program from 4 to 5 years?

Mr. FRELINGHUYSEN. That is right.

Mr. BARDEN. And the gentleman changes the amount from \$400 million to \$300 million?

Mr. FRELINGHUYSEN. That is right.

Mr. BARDEN. I may say to the gentleman that while the committee has not had a meeting on this amendment, several members of the committee are around me and seem to be in agreement

with the gentleman. Under those circumstances I shall not oppose the amendment.

Mr. FRELINGHUYSEN. I thank the gentleman.

Mr. McCONNELL. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Pennsylvania.

Mr. McCONNELL. As stated by the gentleman, this is an effort to compromise the amount in the bill and also the number of years of the program. As far as I know, on this side there is no objection to the proposal. I think it is a good way of settling the problem of the amount of funds and the length of time for the programs that we have in the two approaches. So, I am in favor of the amendment proposed by the gentleman from New Jersey.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. FRELINGHUYSEN].

The amendment was agreed to.

Mr. BARDEN. Mr. Chairman, I ask unanimous consent that title I be considered as read and open for amendment at all points.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Allotments to States

SEC. 102. From the total funds appropriated for any fiscal year pursuant to section 101, the Commissioner shall allot to each State an amount which bears the same ratio to the total funds so appropriated as the school-age population of the State bears to the total of the school-age population of all the States. As used in this section, the term "school-age population" means that part of the population which is between the ages of 5 and 17, both inclusive, as determined on the basis of the most recent estimates certified by the Secretary of Commerce.

State plans

SEC. 103. (a) Any State which desires to accept the benefits of this title shall submit to the Commissioner, through its State educational agency, a State plan which shall—

(1) provide that the State educational agency shall be the sole agency for administering the plan;

(2) set forth a program under which funds paid to the State under this title will be expended solely for school facilities construction projects approved by the State educational agency;

(3) set forth principles for determining the priority of projects in the State for assistance under this title which will assure that first priority will be given (consistent with the matching requirements of section 105) to local educational agencies which, upon making an effort commensurate with their economic resources, are unable, solely because of lack of such resources, to finance from the resources available to them the full cost of needed school facilities; the priority principles set forth in accordance with this paragraph shall take into account (A) the financial resources of the several local educational agencies in the State, (B) the efforts which have been and are being made to meet their needs for school facilities out of State and local funds, and (C) the urgency of their needs for school facilities, determined according to conditions of overcrowding or lack of facilities, and extent to which unsafe and obsolete facilities are in use;

(4) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and

accounting for Federal funds paid to the State under this title;

(5) provide an opportunity for a hearing before the State educational agency to each local educational agency within the State which applies for approval of a construction project under this title;

(6) provide for the establishment of standards on a State level for planning and constructing school facilities; and

(7) provide that the State educational agency will make such reports to the Commissioner, in such form and containing such information, as is reasonably necessary to enable the Commissioner to perform his duties under this title.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a), but shall not finally disapprove any State plan or modification thereof without first affording to the State educational agency reasonable notice and opportunity for a hearing.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency, finds that—

(1) the State plan approved under this section has been so changed that it no longer complies with the provisions of subsection (a), or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, he shall make no further reservations under section 104 (b) for projects in the State, and no further payments for any project directly affected by such failure, until he is satisfied that there is no longer any such failure to comply, or, if compliance is impossible, until the State repays or arranges for the repayment of Federal funds which have been diverted or improperly expended. After notice as provided in this subsection to any State, the Commissioner may suspend further reservations of funds under section 104 (b) for projects in the State, pending the making of findings under this subsection.

Payments to States

SEC. 104. (a) Payments under this title shall be made to those State educational agencies which administer plans approved under section 103 and which furnish statements to the Commissioner in accordance with this section. Each such statement shall set forth one or more projects approved by the State educational agency under the plan, the estimated cost of each such project, and the amount which the State educational agency desires to be paid for each project out of the State's allotment.

(b) Except as provided in section 105, the Commissioner shall issue, to each State educational agency furnishing a statement in accordance with subsection (a), a commitment reserving, out of the State's allotment, for each project included in the statement, the amount requested by the State educational agency for that project. The Commissioner shall change any amount so reserved upon request of the State educational agency and receipt of an amended statement from such agency, but only to the extent the change is not inconsistent with the other provisions of this title. The Commissioner shall pay the amount reserved to the State educational agency, through the disbursing facilities of the Department of the Treasury, upon certification by the State educational agency that the financing of the remainder of the cost of construction of the project has been arranged. Funds so paid shall be used exclusively to meet the cost of constructing the project for which the amount was reserved.

(c) If any project for which one or more payments have been made under this section is abandoned, or is not completed within a reasonable period determined under regulations of the Commissioner, the State to which

such payments were made shall repay to the United States, for deposit in the Treasury of the United States as miscellaneous receipts, the amount of such payments or such lesser amount as may be reasonable under the circumstances (as determined by agreement of the parties or by action brought in the Federal district court for the district in which such project is located).

Matching by States and local communities

Sec. 105. The Commissioner may issue or modify a commitment under section 104 only if the amount to be reserved under the commitment, plus any amounts paid or to be paid under other commitments previously issued under this title to the same State educational agency, does not exceed one-half of the sum of (1) the cost of constructing the project in question and (2) the total cost of constructing the projects for which such other commitments have been issued, and if the State educational agency certifies that the remainder of the cost of constructing the project in question will be paid out of funds other than funds paid by the Commissioner under Public Law 815, 81st Congress, as amended. Until actual construction costs are available, cost determinations under this section shall be made on the basis of the estimates furnished under section 104 (a) and revised estimates furnished in compliance with section 103 (a) (7).

Judicial review

Sec. 106. (a) If any State is dissatisfied with the Commissioner's final action under section 103, such State may appeal to the United States district court for the district in which the capital of the State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

(b) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the appropriate United States court of appeals and the Supreme Court of the United States, as provided in sections 1291 and 1254 of title 28 of the United States Code.

Labor standards

Sec. 107. (a) The Commissioner shall not make any payments under this title to assist in financing the construction of any school facilities project, except upon adequate assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on such project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U. S. C. 276a-276a-5), and will receive compensation at a rate not less than 1½ times the basic rate of pay for all hours worked in any workweek in excess of 8 hours in any weekday or 40 hours in the workweek, as the case may be.

(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a) of this section, the authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 F. R. 3176; 64 Stat. 1267), and section 2 of the act of June 13, 1934, as amended (40 U. S. C. 276c).

Mr. BARDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARDEN: Page 3, strike out line 21 and all that follows through line 10 on page 9 and insert in lieu thereof the following:

"Payments of State allotments"

"SEC. 103. The Commissioner shall pay the State allotment for any fiscal year, or so much thereof as the State educational agency

requests, to the State educational agency upon certification by it that the amount to be paid does not exceed one-half of the cost of constructing the school facilities for which such funds are to be expended. Funds paid to a State educational agency under this section shall be expended solely for construction of school facilities in the State, and shall be used to pay not more than one-half of the total cost of constructing all school facilities in the State which are assisted under this title.

"Judicial remedy"

"SEC. 104. (a) The district court of the United States for any district in which the capital of a State is located shall have jurisdiction, as provided in this section, to grant appropriate relief in any case where any funds paid to the State under this title have been or are about to be expended in violation of this act.

"(b) An action under this section shall be brought in the name of the United States by the United States attorney for the district involved, and shall be brought against the State. The Federal Rules of Civil Procedure shall apply.

"(c) The court may grant such temporary relief or restraining order as it deems appropriate pending final disposition of any action under this section. If in any such action it is determined that any funds paid to the State under this title have been or are about to be expended in violation of section 103, the court shall grant a permanent injunction or other appropriate relief, including restitution of any funds so expended, or such part thereof as may be just and equitable under the circumstances of the case."

Mr. BARDEN. Mr. Chairman, I took the liberty a few days ago of sending a copy of my amendment to each Member of the House, and at the beginning of the general debate I took a few minutes to attempt to discuss the merits of it.

Mr. Chairman, I am particularly aware of all the emotions that this bill arouses, but I want to assure you, as I did a few days ago, that my sincere intent at the time I prepared this amendment was to remove from the bill many paragraphs that I thought were quite objectionable and would, in my opinion, create a bad precedent for this body to establish. This is especially true in connection with legislation affecting our educational system. In reading the sections which this amendment seeks to strike, you find the State plans. In this section you find the paragraphs that set forth what the States shall do; you find how the priorities shall be arranged and set up by the States in order to be acceptable to the Commissioner; and you find where differences arising between the Commissioner and the State authorities are settled by the Commissioner. Then you find a provision for judicial review in the Federal courts.

Then you turn over to page 6, line 3, where there is this perfect illustration of the Commissioner's powers:

(2) In the administration of the plan there is a failure to comply substantially with any such provision, he shall make no further reservations under section 104 (b) for projects in the State, and no further payments for any project directly affected by such failure, until he is satisfied that there is no longer any such failure to comply, or, if compliance is impossible—

And so forth, and so on. Then you go over to page 7—and I am skipping many

of these paragraphs—and you will find on page 7, line 18, paragraph (c) which reads as follows:

If any project for which one or more payments have been made under this section is abandoned, or is not completed within a reasonable period determined under regulations of the Commissioner—

You will find similar terms running through the 6 pages that this 1 paragraph replaces.

Those who are interested in the passage of the bill say there is only one objective and that is to build school buildings. In my opinion, when you take this one paragraph, section 103 of the proposed amendment, you find it provides for placing the money into the hands of the people who have been building school buildings for over 100 years, and have done a pretty good job of it. And you do that without all the fuss and folderol with the Commissioner of Education. You do it without the kind of disturbances and conflicts that we had recently with the Quantico School, which is clear in the minds of many Members. The United States Commissioner of Education said, "We are just going to close that school." He was interpreting some language that we had written. We could not make him stop, think, or reconsider. We had to bring out a bill which passed the House and Senate and was signed by the President. That is how we kept the Quantico School open. I do not think this House wants to take the chance of having to pass a new bill every time some erroneous construction is given to the many paragraphs in these six pages. And until this very hour not a single person has questioned the workability of this one paragraph.

Then, you have a judicial remedy. The district court in the capital of the State has the jurisdiction and can furnish the remedy whenever there is a possibility that the money has been or is about to be spent illegally.

I should like to say this: I think there is a strong responsibility on us to make this the best bill we can. If you want to defeat it, all right. But I do not think we ought to proceed on the theory of some who want to defeat it—which is to make it as bad as we can, which would be a good excuse to vote against it. The bill might pass and then I do not know what our situation would be.

Mr. Chairman, so I say to you in all sincerity I hope the House will adopt this amendment. That one paragraph, section 103 of the amendment, does a better job with less trouble and without playing with fire and I think that is what this House wants to do.

Mr. THOMPSON of New Jersey. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of New Jersey to the amendment offered by Mr. BARDEN: At the end of section 104 (a) strike out "this act" and insert "law", and in section 104 (b) after the word "involved" insert "or for any person aggrieved."

Mr. THOMPSON of New Jersey. Mr. Chairman, the distinguished chairman of our committee has just discussed his amendment. This amendment was the

subject of considerable discussion in our committee and I think the distinguished gentleman from North Carolina said quite accurately the other day that he had a considerable amount of support for it.

My amendment to the Barden amendment is relatively simple. I cannot see why the district court should have limited jurisdiction, as stated in the Barden amendment, to grant relief where any funds are paid to the State under this statute, where they have been or are about to be expended in violation of this act. I therefore have amended the amendment offered by the gentleman from North Carolina to say "in violation of law."

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I will be delighted to yield to my chairman.

Mr. BARDEN. When we were discussing my amendment in our committee it contained the words "in violation of section 103" and somebody on the committee brought up the question of why it should not be "in violation of this act." I said, "Well, that makes sense to me because that protects the whole act." I do not understand the distinction the gentleman makes between saying "in violation of this act" and in saying "in violation of this law." If the act becomes law, what is the distinction?

Mr. THOMPSON of New Jersey. I do not say in violation of this law, Mr. Chairman; I say in violation of law.

I take it there are no further questions on that point.

Mr. BARDEN. There are a lot of other questions, but I want to follow the gentleman.

Mr. THOMPSON of New Jersey. The second part of my amendment relates to subsection (b), where I add after "the United States attorney for the district involved" the words "or for any person aggrieved." The purpose of this is relatively simple. I see no reason why school superintendents, school board members, and other persons connected with this program in the several States should not be able to go into court. I think this is only fair, especially considering some of the debate here where we hear that any Federal money, \$1 of it, or any Federal employee, just one of them, which the United States attorney is, is a dangerous person. I think this will add protection to the State by allowing a State school superintendent or local school superintendent, the school principals, and others who are interested, to go into the court as the United States attorney will.

This is not a unique expedient in law. Similar language is found all throughout the law.

There is relatively little else to say except that if the Barden amendment, which in the main, I feel, is a good amendment, is improved as I think my amendments to it will do, certainly it will engender much support on both sides of the House, and I think we could get on without this fear expressed so frequently with respect to the other parts of the title. So without that fear, I think we can proceed and I think this legislation will, with this amendment,

pick up a tremendous amount of support.

Mr. BARDEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, if I understand the second part of the amendment offered by the gentleman from New Jersey, you extend to any citizen the right to have an action brought in his behalf.

Mr. THOMPSON of New Jersey. I do, sir.

Mr. BARDEN. Well, to be perfectly frank with the gentleman, I have tried to put that in previous legislation. I recall very distinctly having done some research on that question myself and having others look into it. I think the Supreme Court is now, and has been for years, opposed to recognizing that an individual taxpayer has a suable interest and, therefore, an individual could not bring that action. I think that is pretty well established. I even went to the point where I tried to find some basis whereby a member of a school board could bring an action. I was very skeptical about that because there were no precedents for it. But, I do think the gentleman will find that an individual does not have a suable interest. I think it came about in a proceeding for an injunction to restrain a tax and the Supreme Court reasoned, and I must say logically, that to rule otherwise would lay the Government open to millions of lawsuits all over the country.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. THOMPSON of New Jersey. I know the gentleman is not in complete agreement with all the Supreme Court decisions, but I wonder if it would do any harm to leave this in?

Mr. BARDEN. If that is the best knowledge the gentleman has, then I cannot brag on his intelligence if he thinks I am in agreement with all the Supreme Court decisions.

Mr. THOMPSON of New Jersey. No; I said I know the gentleman is not in complete agreement with all the Supreme Court decisions.

Mr. BARDEN. I thought the gentleman said that I was in agreement.

Mr. THOMPSON of New Jersey. I wonder whether it would do any harm to leave this in and let them dispose of it if need be, but in the event it can be done, then we will have provided for it.

Mr. BARDEN. I think we are going to do enough wrong things accidentally without doing something wrong on purpose.

Mr. THOMPSON of New Jersey. I think that is possible.

Mr. BARDEN. Now, may I ask the gentleman about the first part of his amendment? The gentleman, I am sure, understands that this is attempting to do exactly the thing that is in the bill now except to do it in a more direct way. I am sure the gentleman recognizes that the reason the jurisdiction was restricted to the district court in which district the capital of the State is situated was that it would do away with inconvenience and travel, and eliminate the bringing of actions in courts all over the country.

Mr. THOMPSON of New Jersey. I am in agreement there.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make a point of order. I think the Members are entitled to know who has the floor.

Mr. BARDEN. The gentleman might look me over.

Mr. HOFFMAN of Michigan. Well, I have been looking you over, but I have been listening to the other gentleman sitting on the table.

The CHAIRMAN. The gentleman from North Carolina has been recognized. The gentleman will proceed.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. BARDEN. I yield.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make a point of order.

The CHAIRMAN. Does the gentleman from North Carolina yield?

Mr. BARDEN. Mr. Chairman, I yield to either one of the gentlemen who wants to say anything.

Mr. HOFFMAN of Michigan. I want to make a point of order. Will the gentleman yield to me, Mr. Chairman?

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOFFMAN of Michigan. My point of order is the gentleman is not entitled to recognition when he is sitting on the table.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina.

Mr. BARDEN. I yield to the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Chairman, in any case I recognize the point in putting it in the district court, and if the chairman will remember it was my motion in the committee that that be done as distinguished from the circuit court, for instance. My amendment simply alters two words and adds one in their place.

Mr. BARDEN. Let me say to the gentleman that I could see only one thing that your amendment could do, and that is that it would clutter up the district court's jurisdiction and its docket. Now, you say they can bring any action from anywhere in the State to this particular district, and you defeat the very purpose of limiting the jurisdiction to the district in which the capital is situated. You can now bring the action the gentleman is thinking about in any district court in the State.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina [Mr. BARDEN] may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield, but let me say this in the beginning: What we were attempting to do, I will say to the gentleman, is to simplify the bill and make it acceptable, and provide for quick action

and convenience to the litigants. Since all of the State officials are in the State capital and 99 times out of 100 a district court is situated in the State capital, we thought it was a decided improvement. But I insist that if the gentleman has his way it will extend the jurisdiction of the district court in which the State capital is located.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. THOMPSON of New Jersey. I respectfully submit that the question of venue and the question of jurisdiction is determined by the court in each individual case. Certainly the District Court for the Eastern District of North Carolina, Judge Gillam, cannot take a matter from New Jersey. He has to have jurisdiction and it has to be right in his venue. I think, if I may say so very respectfully to my chairman, that it will not clutter up the court at all.

Mr. BARDEN. Let me say in reply to the gentleman that I cannot conceive, to save my life, of any reason for doing it. I wish the gentleman would give me some reason for his proposed change.

Mr. THOMPSON of New Jersey. In general I think that it is slightly broader, Mr. Chairman.

Mr. BARDEN. If you make it broader you are defeating your very purpose of making it simple. The thing we were trying to do in giving jurisdiction to the district court in the district in which the capital of the State is situated was to make it simple.

Mr. THOMPSON of New Jersey. I thought, may I say respectfully, this was possibly too simple. My amendment broadens it and will make it acceptable to a lot of Members over here. I hope the gentleman will accept this amendment.

Mr. BARDEN. Maybe so. I yield back the balance of my time, Mr. Chairman.

Mr. RHODES of Arizona. Mr. Chairman, I rise in opposition to the Barden amendment.

Today I would like to address myself primarily to the new-found economy bloc which we have heard on the floor today. I have heard some Members get up and speak of economy today, and it surprised me in view of some of the votes I have seen them cast. I do not know why we should start economizing at the expense of building schools in the United States. Perhaps there is a good reason, but thus far it has not come to my attention.

This amendment will have the effect of completely striking the State plans which are part of this bill. These plans I discussed on Friday consist primarily of ground rules by which the States would operate the program on which we are about to embark. They do not consist in any way, shape, or form of control on the part of the Federal Government; they merely state what must be in the State plan; they do not state the exact manner or the exact way in which these funds must be distributed. Those of you who think this plan does add something new, let me disabuse your minds completely. We have had State plans in the following acts: the Vocational Education Act, the Library Services Act, which we

passed last month; the Hill-Burton Hospital Construction Act, the George-Barden Act for the vocational rehabilitation of the physically handicapped authored by the gentleman from North Carolina.

So let not anybody say that this is something new which will put the Congress in the position of advocating that we take over the functions of the States and the local districts as far as the school districts are concerned. It just does not have that effect at all.

There are a number of things about this amendment which bothers me. One of them is that in accordance with the amendment you may find that the Federal Government fund is finally distributed largely in accordance with local politics. I am not one to try to outlaw politics. I suppose we will have politics so long as there are two people alive in this country. At the same time I do not want to pass an act which invites the distribution of money according to political standards.

This amendment would provide that the money be paid to the States and that all the States have to do is to certify that the total cost of construction of schools in that State is at least twice the amount paid to the State under this law. So that the States may themselves be in complete control of the manner in which this money goes down into the State school districts. The State educational agency, in other words, would not have to set up any criteria whatsoever for districts to qualify for this money. A State educational agency, if it likes the way a superintendent in X district parted his hair could say: "You, Mr. Superintendent, get X number of dollars. But we do not like the way this other superintendent acts, so he gets nothing."

That can happen. I am not saying it would happen, but it certainly could happen if this amendment were adopted.

Mr. Chairman, I would also like to have you consider with me for a moment the possible effect this might have on the Davis-Bacon provision of this act. It is true that the Davis-Bacon provision is not stricken from the bill by the amendment offered by the gentleman from North Carolina. There again I am conjecturing as to what could happen. I do not believe that the gentleman from North Carolina had this in mind, but I merely want to say this is something which could happen.

We have a situation where a State may set up two funds; in other words, the fund which is paid in by the Federal Government on this act to a State might go into a fund which would be matched by the State and from that fund would be built schools in areas in which the labor standards are such it would not hurt anyway to apply the Davis-Bacon section. In other areas in which the Davis-Bacon section might not be so desirable from a local standpoint because of lower wage rates, the State could set up another fund and build schools in that area from its own fund. I think that is the effect of this amendment and I think that well might happen in the event the amendment were adopted.

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from North Carolina.

Mr. BARDEN. Let me say to the gentleman that with respect to the Davis-Bacon Act the bill is the same with my amendment as it is without my amendment because the Davis-Bacon provision is set up in another section. As a matter of fact, frankness compels me to say to the gentleman that under the bill as now written a State could do identically what he says it could do.

Mr. RHODES of Arizona. Under the law as it is now written?

Mr. BARDEN. As the bill is now written, which the gentleman is arguing for, they can do exactly the same thing. The only things on which the United States Commissioner can hold any strings are the buildings in which Federal money is used.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(By unanimous consent (at the request of Mr. BARDEN) Mr. RHODES of Arizona was allowed to proceed for 3 additional minutes.)

Mr. RHODES of Arizona. Mr. Chairman, I would like to say in reply to the statement of the gentleman from North Carolina, on page 4 in subsection B, as part of the plan the State must set forth the priority under which school districts will be allocated funds. One of the criteria is that the district must have made an effort commensurate with its economic resources. In the gentleman's amendment there is no such criteria.

Mr. BARDEN. Those are two of the very objectionable features of the bill, as far as I am concerned. Who is going to pass upon those criteria? Who is going to pass upon whether it is the proper kind of priority? If you have no flexibility in the law, you would prohibit a State from building a school building with 100-percent State funds unless the Secretary of Labor passed on it. I do not think you want to go that far.

Mr. RHODES of Arizona. I disagree with the gentleman completely. It is not my intention to say that that would be sufficient, and certainly it would not be sufficient. But as far as anybody controlling the priority other than the State, it would not happen, but it does say in here that the State will not, at least in its State plan, set forth the means by which it is going to give priority, and I think that is desirable. I think somebody should take a look at the situation, not to correct it but just so that the State will be put on record. Then, if that is done, according to the judicial review proceedings of this law, the Commissioner may enforce that particular section if it is in violation of State law.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Kentucky.

Mr. PERKINS. I just wanted to say that there is nothing in this State plan that has not been in all other plans where the Federal Government has disbursed money in the past.

Mr. RHODES of Arizona. Also is it not found in 815 and 874?

Mr. PERKINS. That is correct. And as I view this plan it is much simpler than 815 and 874 at the present time,

because the plan proposed in this bill only requires a reporting and accounting of the money and sets up a priority system through which the States are required to disburse the funds, and that is all.

Mr. RHODES of Arizona. So, if there is any danger of Federal control in this particular law, certainly there must be something to Federal control in 815 and 874, and nobody has ever been able to see any Federal control in those laws.

Mr. PERKINS. That is true of the rehabilitation program and the vocational training program. Every one of those laws requires State plans, and the State must make that plan which is finally approved by the Federal Government, and those plans also provide for priorities.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. BARDEN. Mr. Chairman, I ask unanimous consent that the gentleman from Arizona [Mr. RHODES] may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from North Carolina.

Mr. BARDEN. Let me say to my genial friend, there is every difference in the world between 815, 874, and this bill. Public Laws 815 and 874 are what we refer to as the impacted area school laws which were enacted due to conditions brought about by the Federal Government which should be, and are, remedied with Federal funds and are supervised by the Federal Government, both from the standpoint of the Commissioner of Education and the Secretary of Labor. Now, that, to my mind, is an entirely different situation from what you run into here. This is a State and local problem, not a Federal Government problem. It was not brought about by the Federal Government. Now, I think we should touch lightly when we go into the local schools and into the State school system.

Mr. RHODES of Arizona. My statement was that if there was any danger of Federal control in 815 and 874, then there would be danger of Federal control in this bill, but there is not. The philosophies of the two bills are entirely different.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I wonder if the gentleman would not agree that it is the responsibility of legislators to attach reasonable restrictions on the expenditures of funds which they appropriate. Is that not what this State plan essentially is?

Mr. RHODES of Arizona. I think the gentleman is absolutely correct. We are authorizing an appropriation of money here as Federal legislators, and I think our duty to the Federal Government and to all the people of the United States requires that we at least take some steps

to make sure that that money is spent for the purpose for which we appropriate it.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. Would the gentleman not say that when we wrote this legislation we tried most particularly to place the responsibility of the success of the program upon the shoulders of the United States Commissioner of Education but also gave him a minimum of control?

Mr. RHODES of Arizona. I would say we certainly attempted to do that.

Mr. POWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. POWELL. In the event that the Thompson amendment to the Barden amendment is defeated, will there be opportunity to offer an amendment to the Barden amendment by some other Member of the House?

The CHAIRMAN. Yes, at any time. If the Thompson amendment is rejected, then the question would be on the Barden amendment and that amendment would be subject also to amendment.

Mr. POWELL. Mr. Chairman, I rise, then, in support of the Thompson amendment.

The CHAIRMAN. The gentleman is recognized.

Mr. POWELL. Mr. Chairman, may I bring this issue right down where it belongs. The Barden amendment should be defeated for many reasons. If you read it carefully, one of the main reasons is that it completely removes the Kelley bill from all existing provisions of law and says that this money shall be allocated and a judicial remedy shall be based only upon violations of this act.

The gentleman from New Jersey [Mr. THOMPSON] saw this and his amendment changes "act" to "law." Without the Thompson amendment we would be appropriating money for Federal school construction without any of the existing laws of the United States being concerned at all, only the violations of the act. The Thompson amendment says "violations of the law."

What, therefore, is in back of this? This is an effort to completely remove all Federal school construction from any provisions of the law including the Supreme Court decisions of May 17 and May 24. Unless we accept the Thompson amendment to the Barden amendment, you are going to pass a bill here today that will be completely removed from the pale of the law, any law, including the Supreme Court decisions. If you accept the Thompson amendment, then you will have safeguarded our school-construction bill and brought it where it should be, under the majesty of the Federal law.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield to the gentleman from Indiana.

Mr. HALLECK. The word "law" is used. Does the gentleman interpret

that to mean the common law as well as the statutory law?

Mr. POWELL. Yes, I do.

Mr. HALLECK. I think many times law in legislation refers only to the statutory law as distinguished from the common law. Of course, the Supreme Court decision is a part of the common law but not of the statutory law.

Mr. POWELL. Frankly, if the Thompson amendment is rejected, I have two amendments to the Barden amendment which will clarify the situation much better in line with the comment of the gentleman from Indiana [Mr. HALLECK].

I want to point out that what we are really doing here now is, we are getting around the Supreme Court decision and we are allocating Federal funds without any control of the law whatsoever. I believe that the Barden amendment should be defeated, period. But in the event that it is retained, it must be retained with some clarifying amendment which will keep this legislation under the full majesty of the Federal law.

Mr. BAILEY. Mr. Chairman, I rise in opposition to the Barden amendment.

Mr. Chairman, I have no intention of posing as a referee between the distinguished chairman of the committee, the gentleman from North Carolina, the gentleman from New Jersey, and the gentleman from New York. I do not happen to be a member of the bar. So I am going to direct my comments to the gentleman's amendment, to that part of it not dealing with judicial review; in other words, the first section of the gentleman's amendment under the caption "Payments of State Allotments."

I happened to be a member of the subcommittee that drafted the original legislation that was introduced in the House, H. R. 14 and H. R. 15, known as the Bailey-Kearns approach to school construction legislation. That is the legislation that set up the State plan by which the States could control their own construction programs by setting up a plan and then living by that plan after the Federal Commissioner of Education had approved it.

The amendment offered by the gentleman from North Carolina will definitely destroy State plans.

I recall that in taking testimony on this State-plan proposal the superintendent of schools of the State of North Carolina was a witness and he highly endorsed the idea of the States having a say in their program through this State plan.

Let me say to you that this proposal by the gentleman from North Carolina is basic in that it is quite different from the intent of the Kelley bill. The Kelley bill provides that the Government deal directly with the individual school districts, the State being only an agency and the State only being supposed to supply moneys when the school districts are unable to supply a sufficient amount in addition to what the Government proposes to give.

There are districts in every State in the Union in which there is an emergency. There are other districts in which they can supply all the money they need if they would apply their levies

and apply the limits of the bond issue. The object of this State plan was to set up a priority in favor of the poorer school districts within the State. It was liberalization, flexibility, that we wanted the State superintendent of schools to have.

Here would be a little, a poor district up in Podunk that could raise only 30 percent of what it needed to build its school needs. The Federal Government proposes to give only 50 percent on a statewide basis. We wanted that superintendent of schools in that particular State, that chief State school officer, to have the authority to say, "We will give this poor district 70 percent of Federal moneys, and they can raise 30 percent to go ahead with their project." But here is another school district that can raise 60 or 70 percent of what they need and they need only 30 percent Federal assistance. So under that plan you would take care on a priority basis of the more urgently needful school districts.

The amendment offered by the gentleman from North Carolina destroys that and makes it deal directly with the State. If his amendment carries, it will not be one in which the local school districts will be interested except if the State school officer wants to give them money. There is nothing in this bill that compels him to distribute it to the needy district or the one in which there happens to be a building emergency.

I would have to oppose the amendment, too, on the ground that it gives too much authority to the States in making these grants outright. I just cannot conceive of the Congress voting \$1,500,000,000 without knowing whether it will build school buildings in the several States. It is just simply too wide open and with no control.

You heard what the distinguished gentleman from Virginia said the other day about the Federal Commissioner of Education taking over the authority under this bill from the Comptroller General's Office. Why, this will not even provide for the Comptroller General ever having anything to do to check those funds after they are once distributed to these States.

There is not an iota of Federal control and there must be a limited amount of it, at least sufficient to see that the Federal funds are properly safeguarded.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The gentleman is recognized for 2 additional minutes.

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me for one question?

Mr. BAILEY. Briefly.

Mr. PERKINS. If you adopt the Barden amendment, you have no assurance then that any of the money that goes to the States will get into the needy districts; is that correct?

Mr. BAILEY. None whatever, sir.

I would like to add to what the distinguished gentleman from Arizona had to say about the possibility that there might be something in this proposed amendment which would affect the Davis-Bacon provision that I am rather inclined to think there is. Let us take the gentleman's home State of North Carolina. Let us take the cities of Charlotte, Greensboro, Winston-Salem, Raleigh, and Durham. It is safe to assume that there is a certain amount of labor activity in those communities and that there is a prevailing wage which is somewhere near the union wage. It would be conceivable under this for the State commissioner of education in the State of North Carolina to allocate Federal money to some 8 or 10 districts where we have that situation existing. North Carolina just recently voted \$25 million in State bonds to construct school buildings and that all the rest of the Federal moneys would not be under the control of the Davis-Bacon provision unless Federal moneys are used in that particular project.

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I yield to the gentleman—of course, I am not accusing the gentleman of having that in mind, but I say it is possible that that could happen.

Mr. BARDEN. Let me say to the gentleman that it is now and will remain just as you stated. If this law is passed, as it is now written, and I hope it will always be that a State can continue to build school buildings with its own State revenues without asking the Secretary of Labor anything about it.

Mr. BAILEY. I agree. That is true.

Mr. BARDEN. Now, if you will admit they can, will you agree that if they want to build one building with 100 percent Federal funds, they can do it; can they not?

Mr. BAILEY. Under your amendment.

Mr. BARDEN. Under the bill as now written.

Mr. BAILEY. I urge the committee to defeat this amendment. It has no business in this legislation.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the Committee has been here 2½ hours and except in the way of enlightenment, we have not made very much progress.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. MASON. All I want to do is to serve notice on the membership that from now on there will be no more extensions of time nor any transfers of time.

Mr. HOFFMAN of Michigan. I thank the gentleman and I want to say I did not propose to ask for additional time.

Now, with reference to the Barden amendment. Let us get back to where we were, if we can. The Barden amendment, and I have it before me, provides that the Commissioner shall pay to the State whatever is coming to the State. That is the first important provision. Then it provides that the funds paid to

the States shall be used for the construction of school buildings. Then the amendment states that the district courts sitting in the district where the capitol of the State is located shall have jurisdiction to grant relief, the suit to be brought by United States district attorney and in the name of the United States.

That is all the Barden amendment is; there is nothing else in it. I have read it. I have it before me. I cannot find anything in it except a purpose to limit the authority of the Federal Government, give the States control of the funds. It has the same provisions as the first amendment to the Constitution: All the power not granted to the Federal Government is by that amendment reserved to the States and the people. The Thompson amendment applying to section 104 (a) of the Barden amendment, which is a provision conferring jurisdiction on the district court, strikes out the last two words of the section, the words "this act", and inserts the word "law." Of course that is an absurdity on the face of it. The law might be a law making assault and battery a criminal offense, it might be chicken stealing, it might be anything. Do you see the point? The Thompson amendment is just an absurdity on the face of it.

Then the next we find in the Thompson amendment is that suit may be brought in the name of the United States by the United States district attorney, mind you, in behalf of "any person aggrieved." Is it not silly on the face of it that any individual who is aggrieved can go to the United States district attorney and complain and the United States district attorney must bring suit in the United States district court? The United States courts have never, unless there is some constitutional question involved, entertained such jurisdiction.

No, there is absolutely no reason or sense to the Thompson amendment to the Barden amendment in spite of anything or everything that has been said. And if you do not believe me—and I am not asking you to—just get a copy of the Barden amendment and read it. Then read the Thompson amendment. All the Barden amendment does is to let the States spend the money that is given to them—no, wait a minute, to make them pay it and when they get back, or get the money that is already in and then spend it for the construction of schools. That is all there is to this situation. The Thompson amendment should be defeated. The Barden amendment adopted.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the Thompson amendment to the Barden amendment.

The question was taken; and on a division (demanded by Mr. THOMPSON of New Jersey) there were—ayes 48, noes 153.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs on the Barden amendment.

The question was taken; and on a division (demanded by Mr. BARDEN) there were—ayes 89, noes 124.

So the amendment was rejected.

Mr. McCONNELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCONNELL: On page 3, strike out lines 11 to 20, both inclusive, and insert in lieu thereof the following:

"SEC. 102. (a) (1) The sums appropriated pursuant to section 101 shall be allotted among the States on the basis of the income per child of school age, the school-age population, and effort for school purposes, of the respective States. Subject to the provisions of section 103, such allotments shall be made as follows: The Commissioner shall allot to each State for each fiscal year an amount which bears the same ratio to the sums appropriated pursuant to section 101 for such year as the product of

"(A) the school-age population of the State, and

"(B) the State's allotment ratio (as determined under subsection (b)), bears to the sum of the corresponding products for all the States.

"(2) A State's allotment pursuant to paragraph (1) shall remain available for reservations of funds pursuant to section 105 (b) for projects in such State until the end of the year following the year for which the allotment is made.

"(b) For purposes of this title—

"(1) The 'allotment ratio' for any State shall be 1.00 less the product of (A) 0.50 and (B) the quotient obtained by dividing the income per child of school age for the State by the income per child of school age for the continental United States, except that (A) the allotment ratio shall in no case be less than 0.25 or more than 0.75, and (B) the allotment ratio for Hawaii and the District of Columbia shall be 0.50, and for Alaska, Puerto Rico, Guam, and the Virgin Islands shall be 0.75.

"(2) The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this act and again between July 1 and September 30 of the year 1958, on the basis of the average of the incomes per child of school age of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for each of the 3 fiscal years in the period beginning July 1, 1956, and ending June 30, 1959, and the second shall be conclusive for each of the 2 fiscal years in the period beginning July 1, 1959, and ending June 30, 1961.

"(3) The term 'child of school age' means a member of the population between the ages of 5 and 17, both inclusive.

"(4) The term 'continental United States' does not include Alaska or the District of Columbia.

"(5) The term 'school-age population' means that part of the population which is between the ages of 5 and 17, both inclusive, and such school-age population for the several States shall be determined by the Commissioner on the basis of the population between such ages for the most recent year for which satisfactory data are available from the Department of Commerce.

Maintenance of State and local support for school financing

"SEC. 103. (a) The allotment of any State under section 102 for any year shall be reduced by the percentage (if any) by which its State school effort index for such year is less than the national school effort index for such year. The total of such reductions shall be reallocated among the remaining States by proportionately increasing their allotments under section 102 for such year.

"(b) For purposes of subsection (a)—

"(1) The 'State school effort index' for any State for a fiscal year is the quotient ob-

tained by dividing (A) the State's school expenditures per public-school child by (B) the State's income per child of school age; except that the State school effort index shall be deemed to be equal to the national school effort index in the case of (i) Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, and the District of Columbia, and (ii) any State for which the school expenditures per public-school child are not less than the school expenditures per public-school child for the continental United States.

"(2) The 'national school effort index' for any fiscal year is the quotient obtained by dividing (A) the school expenditures per public-school child for the continental United States, by (B) the income per child of school age for the continental United States.

"(c) (1) The school expenditures per public-school child for any State for purposes of determining its State school effort index for any fiscal year means the quotient obtained by dividing (A) the total expenditures by the State and subdivisions thereof for elementary and secondary education made from current revenue receipts derived from State and local sources in the State, as determined by the Commissioner on the basis of data for the most recent school year for which satisfactory data for the several States are available to him, by (B) the number of children in average daily attendance in public elementary and secondary schools in such State, as determined by the Commissioner for such most recent school year.

"(2) The school expenditures per public-school child for the continental United States for purposes of determining the national school effort index for any fiscal year means the quotient obtained by dividing (A) the total expenditures by the States and subdivisions thereof for elementary and secondary education made from current revenue receipts derived from State and local sources in the continental United States, as determined by the Commissioner for the same school year as is used under paragraph (1), by (B) the number of children in average daily attendance for such year in public elementary and secondary schools in the continental United States, determined as provided in paragraph (1).

"(3) The income per child of school age for the States and for the continental United States shall, for purposes of subsection (b), be determined by the Commissioner on the basis of the incomes per child of school age for the most recent year for which satisfactory data are available from the Department of Commerce."

Page 3, line 22, strike out "103" and insert in lieu thereof "104."

Page 4, line 10, strike out "105" and insert in lieu thereof "106."

Page 6, line 17, strike out "104" and insert in lieu thereof "105."

Page 6, line 19, strike out "103" and insert in lieu thereof "104."

Page 8, line 5, strike out "105" and insert in lieu thereof "106."

Page 8, line 19, strike out "104" and insert in lieu thereof "105."

Page 8, line 22, strike out "106" and insert in lieu thereof "107."

Page 9, line 12, strike out "107" and insert in lieu thereof "108."

Mr. McCONNELL. Mr. Chairman, the amendment I have offered would change the formula in H. R. 7535, which provides for an allotment of funds to each State on the basis of school age population alone. My amendment would provide for an allotment of funds on the basis of the school age population of the State; the income per school age child of the State; and the financial effort of the State to support education.

Under my amendment an allotment ratio is computed for each State. This

ratio simply expresses each State's income per child as a percentage of the income per child for the United States as a whole. The ratio is computed so that the highest ratio is given to the State with the lowest income, and the lowest ratio to the State with the highest income. The allotments to all other States would range in between depending on their relative income.

After the allotment ratio is computed for each State, it is weighted by multiplying that ratio by the number of school age children in the State. By this method the school age population is recognized in the formula. The products obtained by multiplying the school age population by the allotment ratio for each State are added together to get a total for the whole United States. The product for each State is then expressed as a percentage of the total for the United States. Finally, the percentage so obtained for each State is multiplied by the total appropriation to obtain the amount to be allotted to each State.

This amount would be allotted to the State if it is making a relatively reasonable financial effort to support education. It would not be fair to provide the full allotment to a State lagging behind in its effort. Accordingly, any State falling below the national average in effort, both in the proportion of income that is spent for elementary and secondary education, and in the total amount that is spent per pupil, would have its allotment reduced proportionately. Any amounts resulting from such reductions to any State would be reallocated proportionately among the remaining States that are making a relatively satisfactory effort in behalf of education.

The formula I have described is contained in my amendment and would distribute Federal funds among the States according to relative financial need, school-age population, and would take into account the State and local effort in support of education.

Under the Kelley bill, the 10 wealthiest States in per capita income—with an average income of \$11.07 per child—would receive 32.2 percent of the Federal funds. The 10 poorest States in per capita income—with an average income of \$4.34 per child—would receive only 19 percent of the Federal funds. Under my amendment the 10 wealthiest States would receive 20 percent; the 10 poorest States 27 percent.

One of the major objectives of the grant-in-aid section of the proposed legislation is to assist States with more limited financial resources than other States. My amendment seeks to do just that by allotting funds according to relative need. That should be a fundamental consideration, and on that basis I ask your support of this amendment.

Mr. NICHOLSON. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. In my State of Massachusetts, the children go to school at 6 years of age. Under the gentleman's proposal, the school age starts at 5.

Mr. McCONNELL. Five to 17 years represents the meaning of the words school age population in the bill.

Mr. NICHOLSON. Why 5 years, if they are going to school at 6 in Massachusetts?

Mr. McCONNELL. Five years would cover the States that have children in school at 5 years of age. In fact, some go at 4½ years in some States.

Mr. NICHOLSON. What have we in Massachusetts then to do in order to qualify, change our law from 6 years of age to 5 years of age?

Mr. McCONNELL. The population of the gentleman's State is included in the bill's definition of "school age population."

Mr. VORYS. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield to the gentleman from Ohio.

Mr. VORYS. The gentleman used the figure \$11 and some cents per capita income per child and \$4.43 per capita income per child. Those figures certainly cannot mean what they sound like as general income per capita, because the figures could not be that low in any State.

Mr. McCONNELL. In the 10 wealthiest States it is \$11.07 per child and in the 10 poorest States \$4.34 per child. Those are the figures I read.

Mr. VORYS. The gentleman means that those figures are money spent for educational purposes, not general income.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. McCONNELL] has expired.

Mr. BAILEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I feel compelled to question the good faith of the gentleman from Pennsylvania in offering this substitute plan. He was a member of the subcommittee that drafted the legislation and it was agreed that the Kelley bill would be a nonpartisan-bipartisan approach to the solution of this problem. That is why the proponents of title I, the Federal grants in aid agreed to accept titles II and III of the President's program as a compromise measure to insure the approval of this legislation. The gentleman is not satisfied with two titles of the President's plan, he wants to substitute title III of the President's plan for title I of the Kelley bill.

I can assure you that the distinguished gentleman from Pennsylvania [Mr. KEARNS] was a party to this agreement, that this would be fought out on a non-partisan-bipartisan basis and that the Kelley bill was to be defended against all crippling amendments right down the line. That is exactly what I am doing, opposing any crippling amendments, whether they come from the majority or the minority side.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. Mr. Chairman, I should like to say that in the first subcommittee that we had considering school construction, we felt that the Burton-Hill formula or any modified form of it, such as the concept here of the gentleman from Pennsylvania [Mr. McCONNELL] defeated the purpose of the grant-in-aid program. We felt that the

only way that we could have a fair program in America was to treat every boy in America the same regardless what State he lived in. That is the substance of title I of the Kelley bill. It was the only approach we had which met the approval of all the educational interests of America as a fair approach.

Mr. BAILEY. Mr. Chairman, I want to say to the gentleman that in consideration of this legislation in the committee, there was an amendment offered by the distinguished gentleman from Alabama [Mr. ELLIOTT] and the same amendment was offered at a different time by the gentleman from Kentucky [Mr. PERKINS]. Both those amendments were defeated in the committee. Yet they appear here today on the floor. Mr. Chairman, let me say to you that it threatens the approval of this legislation because it will give the wealthier States grounds for saying that they are being discriminated against in the distribution of tax money. It will create a greater burden on the wealthier States than on the poor ones.

Now, let us get south of the Mason-Dixon line. I have heard three-quarters of the Members of this Congress express themselves in opposition to this legislation. They are afraid they are not going to get the money under the Kelley bill because of their fear that there is authority under the general law to withhold this money from them. How can they hope to get it under the McConnell plan? So if you go along and tack this amendment on, the South is not going along with you on the vote on final passage of this legislation. Some of the Representatives from the more wealthy States feel that they are getting only a small part of the tax moneys allocated to them, and that it is being used as an equalization fund.

I recall a distinguished gentleman from Pennsylvania who served in the Congress some years ago. Every once in a while he would rise up and say, "Where are you going to get the money?" So I say, "Where are you going to get the votes?" I trust this amendment will meet the same fate as the Barden amendment.

Mr. BARDEN. Mr. Chairman, I rise in opposition to the amendment.

May I ask the gentleman from Pennsylvania [Mr. McCONNELL] if his amendment is a part of S. 2905.

Mr. McCONNELL. I believe substantially yes. I have not read all through S. 2905. I would say substantially yes. That would be my intention generally.

Mr. BARDEN. I looked at title III of S. 2905, and some, if not all, of the paragraphs are verbatim.

Mr. McCONNELL. I would say it is intended to be the administration approach, and S. 2905 is the administration bill. Therefore I assume they are the same. I have not compared them.

Mr. BARDEN. In dealing with the District of Columbia, I believe you have a different way of figuring their allotment?

Mr. McCONNELL. Yes. The District allotment becomes a specified figure. If I remember, it is 50 percent. That is the allotment ratio.

Mr. BARDEN. The District of Columbia is the only part of the United States that occupies a position similar to that of a State which now receives Federal funds for schools. I believe some \$30 million was appropriated this year. Do you have the District of Columbia funds coming from two directions?

Mr. McCONNELL. I would say it would be handled just as a State is handled under this bill, H. R. 7535, assuming it is passed. That would be my understanding.

Mr. BARDEN. I just have this to say about it, I have not seen this amendment before.

Mr. McCONNELL. The Senate bill has been in existence for several months.

Mr. BARDEN. But the gentleman did not know whether it contained his amendment or not.

Mr. McCONNELL. It was in another body.

Mr. BARDEN. Neither one of us knew that it was in the Senate bill. I did not know it, and the gentleman just said he did not know it.

Let me say this: I do not know how fast the rest of the Members of the House can think. My IQ will not take in 5 pages of statutory law as technical as this in 5 minutes of debate. I do not know whether it is good or bad. I know we have not studied it. As far as I am concerned, as I said from the well of the House a while ago, we are going to make enough mistakes accidentally. I am not going to make one intentionally, such as voting for an amendment which will affect the most vital institution in the United States of America except the church, without knowing anything about the details in it, even though the gentleman may have a brilliant program.

Mr. McCONNELL. I can say to the gentleman it is a modified Hill-Burton program.

Mr. BARDEN. As I said to the committee a while ago, my amendment had a modification in it but the committee did not accept it. I am going to be just about as hardheaded as some folks in the House. I just do not understand the gentleman's proposal, so I will have to do the best I can and be opposed to it. I have had no occasion to study it.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. RHODES of Arizona. I think the gentleman will remember when the Secretary of Health, Education, and Welfare testified before the committee and testified on this particular formula that it is not a particularly new formula. We have had legislation introduced in the House and referred to our committee and hearings have been had not only on a House bill, but also on a Senate bill on this matter.

Mr. BARDEN. Let me say to the gentleman I know there is no more brilliant mind in this House than that which the gentleman possesses. I do not say that in jest either. I know the gentleman. But, I do not believe that either the gentleman or I remember what Mrs. Hobby said when she was before the committee. I am going to say this and be perfectly frank about it. It is a little bit of an awkward position for the chairman

to be caught in when the ranking minority member springs five pages of law on the Committee of the Whole without my ever having seen it. I think it is a pretty hot spot and so far as I am concerned, I am withdrawing from the spot.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I yield.

Mr. MASON. The McConnell bill simply provides that the grease be spread over the machine where the squeaks are. The Kelley bill provides that the grease be spread uniformly over the machine even if some of the places have no squeaks.

Mr. BARDEN. All I know is I am going to try my best to keep the grease off me.

Mr. HALLECK. Mr. Chairman, I move to strike out the last word and rise in support of the McConnell amendment.

Mr. Chairman, may I say first of all I support these amendments because I am quite convinced that if they are adopted, there will be more votes for this bill. The case made by proponents of Federal aid to education rests upon the premise that more nearly equal educational opportunities in the States promote the general national welfare. It is argued that when people who are raised in States of lesser educational opportunities move into States having higher educational standards, social problems are thereby created in the latter States. So the administration proposal for Federal aid to education is designed to meet this situation. May I say that in referring to the administration's proposal, I certainly trust that such reference does not put any of us in the realm of politics because, after all, the administration had a perfect right to send its proposal to the Congress of the United States and it had a duty to send it, and likewise the Congress has its own obligations as to what ought to be done about it.

In support of these propositions that I have mentioned, I recall when I was majority leader in the 80th Congress, 17 State administrators called on me urging my support of general Federal aid for education. I have never favored that sort of general aid. But, the argument to me was that there were certain States and areas that could not support their own schools so we had to equalize the situation. Of course, I did the very unfair thing of inquiring how many of the 17 would support legislation designed to meet that sort of situation, rather than general help across the country. As I remember it, only one delegate from a State up north said that he would go along with that program. Here are the four principal features of the administration's program. First, the matching requirements. Federal funds would be matched in the first year by States and school districts and thereafter by States alone. The purpose of this provision is to encourage the States to improve laws relating to the financing of school construction and promote sound administration of the program. It is also designed to produce more school construction. Matching would be on a sliding scale. The State with the lowest income per child would put up \$1 for every \$2 of Federal grant received. The State

with the highest income per child would put up \$2 for every \$1 received. The combined Federal-State payment would supplement such local funds as may be available for new schools.

The purpose of this feature is to narrow the gap between those States offering the least educational opportunities and those offering the most.

Second, distribution according to need.

May I say in these remarks that I am making here, because the gentleman from Pennsylvania has another amendment which I understand will be proposed, I decided to speak on both of them and not burden the Committee twice.

I suggest that to my friend from Illinois hoping he might be a little lenient with me since I am really talking about two different matters.

Funds would be distributed according to relative State income per school-age child. The State with the least income per child would receive approximately three times as much per child as the State with the highest income per child.

The purpose of allotting Federal funds in this way is to give the greatest help where there are the least resources for classroom needs, thus again tending to reduce the gap between educational opportunities among the States.

Third. Recognition of effort commensurate with ability. Allotments would be reduced proportionately to States which are below the national average both in the proportion of their income devoted to schools and in their dollar expenditures per pupil. This position gives recognition to the principle that reasonable State and local effort is fundamental to a sound program of Federal aid for school construction.

There is no justice to any program which taxes the people of a State which is trying to improve its own educational system to support another State which is spending money which could be used on schools but which is used instead to build less-needed facilities.

In summary, the administration's program was designed to help needy States and communities increase the number of classrooms they would otherwise build during the next 5 years.

With the administration's program of Federal grants along with purchase and support of school bonds the total of 410,000 rooms which would be built in the next 5 years without Federal help would be increased to 470,000 rooms, or an extra 60,000 rooms.

Any plan which does not provide the Nation with extra rooms will defeat the purpose of such legislation.

This legislation is not to take the place of State and local construction, but to supplement State and local construction. There can be no other reason for any Federal Government intervention.

The McConnell substitute simply proposes to restore two principles enunciated by President Eisenhower and incorporated in the original administration proposals for a school-construction bill. These principles are:

First. That Federal funds be distributed according to relative need.

Second. That Federal grants must not reduce incentive for State and community effort, but must stimulate such effort, thereby resulting in additional classroom construction over the 5-year period.

And, third, that State governments should participate in financing school construction, thereby demonstrating reasonable State interest in the problem of education.

Mr. KELLEY of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this amendment was proposed in the subcommittee of which I have the honor to be chairman; we discussed it at great length. The committee rejected it and wrote in the simple plan of equal distribution to the States on the basis of school age population. One reason I supported it was that it simplified the bill. It simplified that portion of the bill so that the ordinary layman could understand it. I doubt if there are more than two people in this body who can understand the formula proposed by the gentleman from Pennsylvania [Mr. McCONNELL].

We thought that with the action of the committee we had made the bill as simple as possible with as little interference from the Federal Government as possible.

If this amendment is adopted it will make for more interference by the Commissioner of Education in this problem of school construction than there would be under the bill H. R. 7535.

Mr. Chairman, I yield back the balance of my time.

Mr. BURDICK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the aid to schools in a building program is now before the House and a few matters have already been cleared up. First of all, the program provides that in erecting needed school buildings, the Government will match funds with cities, or school districts, and second, that the Government has no control over our course of study, and can move in and build only when the people of an area want it. The Federal administrator does exercise some authority over which area will be first served, but in the end every district will have an opportunity to present the urgency of its case.

The so-called Powell amendment will cause some trouble and may keep the school building program from becoming law. Mr. Powell will present an amendment providing that none of the funds appropriated shall be used in any district or city where segregation is practiced. If this passes the Solid South will vote "no" and many northern Members also. The amendment is not needed because the Supreme Court has spoken on the subject and will eventually be sustained by the whole country, but any abrupt approach is bad at this time. The Supreme Court realized this when they provided ample time for the transition.

The Powell amendment will be a threat to the South—to do now, what with a little time may wisely follow.

Anyhow, the Powell amendment is unconstitutional. You can't collect taxes

from the Southern States for a school-house building program and then say "You can't have any of the benefits of this tax unless you change your ways of life now." If they are not getting any of the money, then don't tax them. We don't want another conflict over "taxation without representation."

I think the Powell amendment will be defeated and the bill will be passed substantially as it reached the floor. There is no attempt in the bill to deny Negroes, wherever they are, the benefits of needed schoolhouses. In the South where segregation is practiced, the Negroes will get new buildings of their own equally with the white people. The only difference at present will be that the two races are not allowed to mix at school. The Negroes themselves, through education and good manners, will do more to obliterate race differences than Congress or the Supreme Court can do. Gradually through education the Negro is coming up, but to take drastic action would be disastrous to both North and South.

To handle this situation, we need cool heads, not hot and boisterous ones.

Mr. JUDD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when I first came to this Congress 14 years ago the first committee to which I was assigned and on which I served 4 years was the Committee on Education, as it was then called before being merged with the Committee on Labor. It was then, as now, under the able chairmanship of my good friend the gentleman from North Carolina [Mr. BARDEN]. We had long hearings on the subject of general Federal aid to education in the 78th Congress, and all the same arguments pro and con were considered then that we have had before us in the debate on this bill. We had troubles then as now.

In the 79th Congress we had the question up again. The chairman set up a subcommittee with the Honorable Robert Ramspeck, then a Congressman from Georgia as chairman. On it also were the Honorable CLIFFORD CASE, now a Senator from New Jersey, and myself. We worked on this whole problem for months—how to meet the needs which were acute in some States that did not have adequate resources, yet avoid starting Federal subsidy of our whole school system, with corresponding lessening of responsibilities by the States and school districts.

We finally agreed on a bill which Mr. Ramspeck introduced as H. R. 4929 on December 7, 1945, called the Educational Equalization Act of 1945. It took into account, not just how many children there were in a State; but rather, the need, the resources and the educational effort of that State.

I was for the equalization principle that was in that bill, just as I am for essentially the same principle that is in the McConnell amendment now before us. I can vote for this Kelley school construction bill, if it is amended so that the equalization principle is in it as the basis for allocating funds to the States. But I simply cannot vote for the Kelley bill in its present form because it does not do what is most needed.

This bill is sold to the public all the time as being necessary to meet the urgent needs for classrooms in those poor States which do not have adequate resources to provide proper educational facilities for their children. But that is not what it does. I think the Federal Government may well have a responsibility to assist those States. First, because the problem is national in its origin, inasmuch as actions taken by the Federal Government in many places especially during the war, have exaggerated, accentuated or made more acute the needs in those places.

Second, the problem is national in its results because when people move from areas where they have not had adequate education to other areas, particularly the industrialized cities of the North, they sometimes create more problems and require more expenditures because of unemployability, delinquency, crime and so forth, then the cost of proper education in their original States would have been.

But the problem is not national in the sense that the only way the needs in the poorest States can be met is by Federal funds to all the States. It is not a national problem in the sense that no State is able to build enough schoolrooms for the education of its own school children. Many of the States have adequate resources for their own needs. In fact, there is no money anywhere except that which comes from the States.

The principle that we worked out was to authorize Federal funds from all the States to those States which are making more than the average educational effort, but still are not able to reach the average educational level.

Equality of opportunity for all children is not obtained by the Federal Government providing the same amount for each school child in the United States, no matter how much or how little his State or district provides. Equality of opportunity requires larger amounts for those now unable to get enough, and smaller amounts or nothing at all for children whose States are able to provide adequately.

The equalization formula was not difficult to devise. We determined the average amount being spent per child in the whole country. Then we determined the average percentage the States were spending for educational purposes out of their total State income payments. Not the total tax revenue of the State government, but the total State income payments for wages, salaries and dividends, and so forth—in the same sense as we speak of the national income.

We found that on the average, the States were spending for education about 2.5 percent of their State income payments. Some were spending a much higher percentage but still were unable, because of limited resources or industry, to reach the national average. We said, therefore, that whenever the educational agencies in a State are spending for education more than 2.75 percent of the State income payments, that is, making considerably better than the average effort, but are still unable to meet the average level of expenditures per child

for the whole country, then the Federal Government would provide funds to enable that State to get up to at least the national average.

If a State should reduce its own effort, it would, to the extent of that reduction, reduce its share of Federal funds. The more it put in of its own funds, without being able to reach the national average or basic minimum, the more assistance it would get from the Federal Government.

I think that is a fair way to deal with the problem. It is essentially the equalization procedure that is in the McConnell amendment. But the Kelley bill pays no attention to a State's need, a State's ability or a State's effort. It would give money for school construction to every State in the Union or a basis of \$11.30 per child whether the State needs it or not. To me that is completely unjustifiable.

I may say further that I have been a little disappointed at times at some of my colleagues of the teaching profession, or at least some of the representatives of their organizations. Some of them contend that not enough support can be obtained to get a school aid bill through unless all the States and all the districts, and all the teachers get something out of it for themselves. I do not believe that. I think that approach loses more votes than it gains. I taught school myself for 5 years. I have a higher estimate of the teaching profession. I believe their first concern is not better facilities in their own States, but more adequate meeting of the needs of school children wherever those needs are the greatest. Nobody cares less about themselves and more about the well-being of the children than the teachers.

Let us help the ones that need it most, and not spend the money on those who need it least or do not need it at all. I ask adoption of the McConnell amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the McConnell amendment, and I just want to quote very briefly from one of President Eisenhower's messages in connection with this point. In January 1956, President Eisenhower said:

Another fundamental principle is that Federal funds, under this type of program, should be distributed according to relative need. We must recognize that some States have more financial resources than others. We must recognize that a weakness in education anywhere is a weakness in the Nation as a whole. Federal appropriations will most quickly accomplish the most good if a relatively larger share of Federal funds is distributed where local and State resources are least adequate to meet classroom needs.

Mr. WIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I feel I would be remiss in my duty as a member of the Committee on Education and Labor if I did not express my sentiments on the long efforts we have made in the committee on this legislation. I think as far as the McConnell amendment is concerned, perhaps the most questionable provision that brought forth some doubt

from the witnesses and the educators of this country was the long drawn out process of the formula to be used in working out and reaching immediate action on school construction. I think it was said many, many times that this McConnell formula or President Eisenhower's formula, made it very, very difficult for any immediate school construction because of the working out of the formula and arriving at the so-called designation of eligibility.

Now, then, in addition to that and in addition to my opposition to the McConnell amendment, I think I ought to make known the position of the educators of the State of Minnesota, primarily those in administrative positions. I am in receipt of this communication from the head of the educational department in Minnesota, which says:

Please support Kelley bill formula on school building aid without the McConnell amendment. Kelley bill formula most beneficial to Minnesota.

That is signed by the commissioner of education of the State of Minnesota.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. WIER. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I have some figures here about the actual dollars that would be distributed under the different formulas. Minnesota would get approximately the same amount under both proposals, and South Carolina would get almost twice as much as the formula the gentleman from Ohio proposes, so it shows discrimination against Minnesota.

Mr. WIER. I thought I made it clear that I was not talking about funds for Minnesota, whether they would get more or break even. I was trying to bring out that the educators throughout the Nation complained about the McConnell formula as one of long processing and no school construction for an additional year.

Mr. FRELINGHUYSEN. We have figures already available as to what the distribution would be under the McConnell formula, so there would be no undue delay making basic allotments to the various States.

Mr. WIER. Then, added to that is our American way of thinking that every boy and every girl in each and every State ought to be treated equal and be on an equal formula insofar as their educational opportunities are concerned.

Mr. FRELINGHUYSEN. It is for that reason that we are trying to put a need formula in this legislation, so that we will give equal opportunity for all children, no matter what State they live in; not so much per child or whether they come from a wealthy or a poor State. The gentleman ought to be arguing on our side, it seems to me.

Mr. WIER. I think we argued that in our committee. I think we argued it with Mrs. Hobby and Mr. Brownell. I think we argued it out in the committee

for several days. They always express a wait-and-see policy.

Mr. DIXON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the McConnell amendment. There is nothing mysterious or new about this principle of equalization. It was developed at Columbia University by Dr. Paul Mort over two decades ago. It is used in the most progressive States to distribute schools to the districts according to need. It works and the experience of many States has proved it so; it is scientific, and it is the only principle that fulfills the purposes of this bill.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Minnesota.

Mr. JUDD. Is it not also true that this is the way that will prevent any possible abuse of power by the Commissioner? He figures out according to the formula, the number of pupils, the financial capacity of the State, and the percentage of its own income that it is spending for education. Then he passes out what the formula tells him. There is no chance for the exercise of discretion or arbitrariness; is not that correct?

Mr. DIXON. Exactly. And it gets much more help to the people who need it.

Mr. JUDD. That is right.

Mr. DIXON. With so much less expense to the taxpayer.

Mr. BAILEY. Mr. Chairman, I rise to make this observation, that if they could explain this complicated formula to the committee here, I would be inclined to support it. But nobody has been able to explain it. We could not understand it in the committee ourselves.

Mr. LAIRD. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I would like to say the principle of equalization aid is certainly nothing new. We in the State of Wisconsin have long had an equalization formula on which aid to education has been dispersed to the various school districts in our State. The Wisconsin Legislature has recognized the principle that in order to provide equal opportunity for all school children in Wisconsin, it is necessary for the people living in school districts having greater resources to contribute to the support of education in those school districts with inadequate resources.

As a member of the Wisconsin Commission for the Improvement of Education in 1947 and 1948 and as chairman of the Wisconsin Legislative Council in 1951 and 1952, I sponsored and supported many important pieces of educational legislation which have become the basic educational law in Wisconsin. Underlying the important improvements recommended by the Wisconsin State Commission for the Improvement of Education was the principle of equalization aid and helping those areas of our State through State aid which could in no other way meet their educational needs.

I will support Federal aid for school construction if such aid is dispersed by

our Federal Government on the basis of helping those sections of the United States which are making the maximum effort to solve their own school problems and find it impossible to construct new classrooms without Federal aid. In this year 1956, our Federal Government is justified in attempting to equalize the ability of States to meet their educational needs by serving as a medium whereby the richer States can contribute to the poorer States much as equalization aid is paid to the various school districts in Wisconsin.

The McConnell amendment places primary importance on the equalization principle which we have recognized in Wisconsin. It also gives some recognition to the school child population. The McConnell amendment will greatly improve this legislation. Without some recognition of a "need" test in distributing Federal aid for school construction, I cannot support this legislation. I most respectfully urge my colleagues today to support the McConnell amendment.

Last year a Wisconsin Educational Committee was established to give consideration to the educational problems facing our State and this Nation. This committee was composed of representatives of labor, agriculture, industry, education, homemaking and was thoroughly representative of a cross section of Wisconsin. This State committee adopted a statement of principle and made definite recommendations as to what was needed in the way of Federal educational legislation. This committee was unanimous in not supporting the principle of disbursing Federal school construction aid on the basis of child population. The report of the Wisconsin Educational Committee does not support the Kelley bill.

The amount of money made available in this legislation which we are considering today for school construction is indeed small when compared with the total classroom construction cost projected over the next 5 years. Instead of putting this amount of Federal aid out on a strictly child population basis, it should be disbursed to those areas which have made the maximum effort to solve their own problems but find it impossible to construct needed classrooms without Federal aid. The McConnell amendment is a step in this direction.

The McConnell amendment should be agreed to by the House today.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. LAIRD. I yield to the gentleman from California.

Mr. ROOSEVELT. I just wanted to find out for my own information, does this formula include the basic taxes paid by the individual States, or is it based on income?

Mr. LAIRD. It is based on income.

Mr. ROOSEVELT. On the national income?

Mr. LAIRD. Yes, on the basis of State income and resources.

Mr. ROOSEVELT. I thank the gentleman.

Mr. ELLIOTT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the McConnell amendment, which provides for a formula similar to the Hill-Burton formula for the allotment or allocation of the moneys under this bill. In other words, the amendment offered by the gentleman from Pennsylvania takes into account, in addition to the school-age population, between the ages of 5 and 17, the per capita income of the people of the various States. Therefore the low income States, especially those of the South, will receive a great deal more school construction money under this amendment than they will receive under the provisions of the Kelley bill.

Mr. Chairman, the formula embodied in the McConnell amendment is the same, or practically the same, as that embodied in an amendment which I offered in the Committee on Education and Labor. The committee rejected my amendment for the flat-grant formula of the Kelley bill.

It has always appealed to me that the most desirable school construction bill would be one that guaranteed that the money appropriated would be spent where it was needed most. The McConnell amendment goes a long way in that direction. The amendment is in accord with the Hill-Burton principle that has proven so beneficial, and so helpful in so many other pieces of legislation. There is not a Member of the House that is not familiar with the fact that the Hill-Burton principle has resulted in the building of hundreds of hospitals all across America. This amendment, if adopted, will place the emphasis on building school buildings where they are needed most. I hope the House will adopt the amendment.

Mr. Chairman, I desire to demonstrate what this amendment would do. The committee staff of the House Committee on Education and Labor, which has worked so diligently to aid the committee in all its deliberations leading up to this bill, has prepared some figures that will indicate more clearly than I am able to do with mere words what the McConnell amendment would do. I will illustrate with my own State of Alabama. Under the McConnell amendment now before us, assuming an appropriation of \$300 million per year, Alabama would be entitled to \$10,282,000 per year for a period of 5 years, instead of \$9,397,944 per year for a period of 4 years. In other words, under the McConnell amendment Alabama would get in 5 years \$51,410,000, whereas under the original Kelley bill, assuming an appropriation of \$400 million per year for a period of 4 years, Alabama would get a total of \$37,591,776 in the 4 years.

Mr. Chairman, I am including for the record the figures on the McConnell amendment for each State, each year. The total amount of the allotment is shown, as is the amount per child for each State. Should any Member desire to compare these figures with those of the Kelley bill, he may do so by referring to the table on page 4 of the committee report on H. R. 7535.

Allotment of \$300,000,000 to States for school construction, according to the terms of S. 2905, without application of reduction factor

Region and State	Amount of allotment (thousands)	Amount per child
Aggregate United States	\$300,000	\$8.45
Northeast:		
Connecticut	1,764	4.21
Maine	2,042	10.16
Massachusetts	5,987	6.38
New Hampshire	1,025	8.99
New Jersey	4,882	4.90
New York	13,994	4.81
Pennsylvania	16,500	7.46
Rhode Island	1,039	6.58
Vermont	931	10.58
North Central:		
Illinois	9,835	5.47
Indiana	7,180	7.92
Iowa	5,365	9.20
Kansas	3,646	8.68
Michigan	10,852	7.22
Minnesota	6,368	9.30
Missouri	6,793	8.18
Nebraska	2,605	8.09
North Dakota	1,810	11.60
Ohio	12,038	6.82
South Dakota	1,679	10.84
Wisconsin	6,451	8.38
South:		
Alabama	10,282	12.64
Arkansas	6,188	12.64
Delaware	332	4.55
Florida	6,128	9.28
Georgia	10,888	11.84
Kentucky	8,856	11.84
Louisiana	8,371	11.59
Maryland	3,964	7.33
Mississippi	7,553	12.61
North Carolina	13,375	12.19
Oklahoma	5,753	10.90
South Carolina	7,957	12.64
Tennessee	9,829	11.92
Texas	19,517	9.94
Virginia	8,386	10.21
West Virginia	6,172	11.76
District of Columbia	1,153	8.41
West:		
Arizona	2,232	10.06
California	11,675	4.96
Colorado	2,564	8.17
Idaho	1,634	10.68
Montana	1,236	8.70
Nevada	178	4.55
New Mexico	2,400	11.59
Oregon	2,712	7.84
Utah	2,000	10.78
Washington	3,767	7.18
Wyoming	578	8.39
United States service schools, outlying parts of the United States:		
Alaska	416	12.64
Guam	164	12.64
Puerto Rico	9,776	12.64
Territory of Hawaii	1,044	8.41
Virgin Islands	114	12.64

Mr. Chairman, I support the Kelley bill, as I have already said on the floor of this House in general debate last Friday. It is a good bill. The bill has been written in such a way as to eliminate any possibility of Federal controls. I believe that every Member of the House who has examined it objectively realizes the truth of this statement. I, of course, do not think the Kelley bill is perfect. We should all strive to improve it in every possible way. I think the McConnell amendment will improve the bill. I will expect to vote for other clarifying and improving amendments as long as we keep away from Federal control. It would be better not to have the aid than to have Federal control of our schools in any possible manner.

It will be my intention to vote for the Barden amendment, which, although it has some defects of its own, yet it leans backward to be absolutely certain that there are no Federal controls. I am against any Federal control. Of course, I realize that you cannot spend public

funds without some accounting therefor, and I do not regard reasonable and accepted accounting procedures as being in the nature of controls.

An amendment such as the Powell amendment would definitely add Federal controls to this bill. The adoption of that amendment would have the effect of killing this bill. I am against the Powell amendment. I will discuss this question more fully when we have the Powell amendment before us.

Mr. Chairman, we must keep the central question before us. It is that there is a great shortage of classrooms in our public schools. Millions of boys and girls do not have adequate classrooms. Last week, a gentleman with whom I was riding from where I live in Bethesda, Md., into the capital told me that his child had to go to a split-shift school. That meant that his child went to its school for a half day and somebody else occupied that space in the afternoon. All over America that situation persists. Jefferson County is the largest, richest county in Alabama. Dr. I. F. Simmons, superintendent of schools of that county, filed his statement with our committee on May 3, 1955. Here is what he said about Alabama's richest county:

Many of the Jefferson County school buildings are frail, frame buildings heated with coal stoves. Most of these buildings are obsolete, worn out, and should be abandoned. Hardly any of our elementary and junior high schools have auditoriums and/or gymnasiums. Forty-five of our schools have outdoor toilets. Thirty-seven schools do not have school lunchroom facilities.

I could go on and describe conditions in many other counties all across America. The testimony is in the record. The condition of need is everywhere.

Mr. Chairman, I can think of an answer to those who talk about the procedure outlined in the Kelley bill resulting in Federal control. The answer is to be found in many places right in the congressional district I have the honor to represent here. It can be found in Hayden, Ala., in Blount County. It can be found at the Dowling School at Crane Hill. In each of the communities the buildings now occupied by the schools were built in large part with Federal funds. There is a plaque on the school wall in each school denoting and certifying that fact. Those schools were built in the 1930's. I challenge anyone, any time, any place, to find that there has been any Federal control of those schools because the Federal Government helped to pay their cost of construction. This example comes to my mind. I am sure that there are school buildings constructed in part with Federal funds just as these were in the districts of many of the Members here on this floor.

Also, Mr. Chairman, it must be remembered that this bill has section 405. It is to be found on page 29 of the bill. I had the pleasure of offering that section as an amendment when the subcommittee of which I was a member was writing this bill. The amendment reads:

Sec. 405. In the administration of this act, no Department, agency, officer, or employee of the United States shall exercise

any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. McCONNELL].

The question was taken; and (the Chairman being in doubt) the Committee divided, and there were—ayes 97, noes 109.

Mr. McCONNELL. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. McCONNELL and Mr. BARDEN.

The Committee again divided, and the tellers reported that there were—ayes 110, noes 140.

So the amendment was rejected.

Mr. SADLAK. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SADLAK: Beginning with page 3, line 3, strike out everything down through line 6 on page 10, and insert the following:

"Sums for school construction"

"Sec. 101. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, an amount equal to the excess of the receipts of the Federal Government over expenditures for the 12-month period preceding July 1, 1956, or \$1.6 billion whichever is the lesser amount, which shall be used by the several States for the construction of schools.

"Allocations among States"

"Sec. 102. Funds appropriated under this act shall remain available until July 1, 1960, and shall be paid to the States by the Secretary of the Treasury at such times and in such amounts as he shall determine. Each State shall be entitled to a portion of the total sum appropriated under this title which bears the same ratio to such total sum as the number of its Presidential electors bears to the total number of Presidential electors. The Secretary of the Treasury shall determine the number of electors which Alaska, Hawaii, Puerto Rico, Guam, the Virgin Islands, the District of Columbia, American Samoa, and the Canal Zone shall be deemed to have for the purpose of computations made under the preceding sentence."

Mr. BARDEN. Mr. Chairman, I think the amendment is subject to a point of order, but I will withhold the point of order if the gentleman would like.

The CHAIRMAN. The gentleman will state the point of order.

Mr. BARDEN. Mr. Chairman, I have been informed that the amendment involves departments and problems that are not a part of the bill.

The CHAIRMAN. A very casual examination of the amendment would indicate very clearly that it is merely another formula for the allocation of funds and for that reason the Chair rules the amendment is germane.

Mr. BARDEN. Mr. Chairman, I am inclined to believe one more formula will not hurt.

The CHAIRMAN. That makes it unanimous.

Mr. SADLAK. Mr. Chairman, this amendment puts into writing a suggestion I made prior to the consideration of the first amendment earlier today. At that time I endeavored to explain in

the 5 minutes allotted to me the purpose of this amendment.

It is, that we take \$1,600,000,000 of the anticipated surplus for the fiscal year which ended just two days ago and send it back to the States for the purpose of constructing schools.

This is not new, novel, unique, or unprecedented, because back in 1836 we were confronted with a like situation, having an anticipated surplus at that time of \$40 million. It was later reduced to \$28 million. This amount was paid to the 27 States of the Union in 1836 according to the number of electors. A chart listing the States, number of electors, amounts received, and objects to which applied was inserted in the CONGRESSIONAL RECORD on June 13 as part of my special order on this subject. It appears in the RECORD at page 10286.

Many of the States used the money for education purposes. For instance, Alabama received \$669,000 and the use to which applied was education.

Connecticut received \$764,000: Education, one-half; general purposes, one-half. And may I mention this, Mr. Chairman, that to this day the half, namely \$380,000, has been set aside in town funds in every one of our townships but one; income from that money is still being derived and used for school purposes.

The great State of Georgia back in 1836 received \$1,051,422.09: it applied one-third for education, two-thirds for general purposes. And so on down the line.

The State of Kentucky received \$1,443,757.40, all utilized for education.

So, Mr. Chairman, following that wonderful example in 1836 we can take this year's surplus of \$1,600,000,000 which is a like amount to the proposal in the Kelley bill before us and send it back to the States. When it goes back to the States the transaction will be concluded; there will be no Federal control of it, and it can be used for the construction of much-needed classrooms and schools.

I urge the adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. SADLAK].

The amendment was rejected.

Mr. POWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POWELL: On page 6, line 15, after the period, insert: "(8) Provide that school facilities of the State are open to all children without regard to race, in conformity with the requirements of the United States Supreme Court decisions; except that if a State plan does not so provide, it shall not prevent payment of funds authorized under this act to such State for use in counties or other political subdivisions within the States that are operating their schools in conformity with the said Supreme Court decisions."

Mr. POWELL. Mr. Chairman, I have two other amendments at the desk. I would like for all three of the amendments to be considered en bloc rather than to be offered separately using 5 minutes on each. I would like to have the three considered as one and be allowed to proceed for 5 additional minutes.

Mr. MASON. I am afraid, Mr. Chairman, I will have to object. The gentleman will have to offer them one at a time.

Mr. POWELL. In the interest of saving time I ask unanimous consent that they be considered as one amendment.

The CHAIRMAN. There is only one amendment pending.

Mr. POWELL. I would like to have the three considered en bloc.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the other two amendments be read at this time and that all three amendments be considered together.

Mr. BAILEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAILEY. Do all the amendments apply to title I?

The CHAIRMAN. The Chair assumes that they do. The Chair has not seen them and has not heard them read.

Mr. BAILEY. On what pages are they?

The CHAIRMAN. Pages 6 and 8 and apply to section 104 of title I.

Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. POWELL: Page 6, line 25, after the period, insert "And shall state that the county or other subdivision in which each project is located is operating its schools without regard to race, in conformity with the requirements of the United States Supreme Court decision. A State plan which meets the requirements of the Commissioner in every other way shall be permitted to be put into effect in those school districts which comply with the Supreme Court decisions."

The Clerk read as follows:

Amendment offered by Mr. POWELL: Page 8, line 3, after the period, insert: "Any funds allotted to a State under this act which are not paid to said State because of failure to comply with section 103 (a) or 104 (a) of the act shall be paid to said State at such time as said State does comply, provided such compliance occurs before 3 years from the date of enactment, notwithstanding any other provisions of this act. In the event that the State agency does not include any certification as part of the State plan within the time limit prescribed by the Commissioner for the submission of such plans, the Commissioner is authorized, with regard to any local school agency, within such State, which is able to submit such certification on its own behalf, and is otherwise qualified to receive payments under this act, upon application and appropriate certification, to regard such local school agency as a State agency and the separate local school agency plans as State plans, subject otherwise to the pertinent requirements of the section and such other requirements as the Commissioner, by regulation, may prescribe. Upon approval of such local school agency plans, allotments in such amounts as the Commissioner may determine as being fair proportionate shares of the amount that would otherwise be allotted to the State whereof the local school district is a part shall be made to such local school agency under the formulas prescribed in section 102 of this act, so far as may be applicable."

Mr. POWELL. Mr. Chairman, these three amendments offer a solution to the following three problems: All States

that are obeying the Supreme Court decision receive funds. All States that have announced they are going to obey the Supreme Court decision receive funds. Any school district within a State, even though the State may by legislative action or decision of some Government official be against the Supreme Court decision, that decides to integrate shall receive funds. Also during the life of the bill there will be held in escrow by the Commissioner of Education the amounts of money that would have been appropriated to these individual school districts so that if at any time during the 4 years of the bill a school district decides to integrate it will receive the accumulated funds that have been held in escrow.

In other words, Mr. Chairman, we have before us a series of amendments that by no stretch of the imagination can be called extremism, or punitive, but amendments that are aimed at helping the States and school districts to integrate. If my amendments are adopted the gentleman from Arizona [Mr. UDALL] has an amendment which I will support that will set aside a special amount for those districts that are meeting with financial problems as they try to integrate. So that no one can call this extremism.

The only objection that we hear is that this will kill the bill. This bill is going to pass the House if the Powell amendment is in it. How will it kill the bill? We are told there will be a filibuster conducted against it in the other body. That is impossible. The other body does not have the Kelley bill before it. The other body has Senator LISTER HILL's bill before it and the Powell amendment will not be in that bill. So there will be no occasion for a filibuster there unless some Member of the Senate does introduce a Powell type of amendment. We have no control over that in this body. That is the argument against that matter.

The next is that we should not implement the Supreme Court decision by legislative action.

I am sure that we all agree that whenever there is a constitutional executive order, judicial decision, or legislative action, immediately it is incumbent upon all the other branches of the Government to yield to whatever that decision, order, or law may be. We implemented the Supreme Court decision for 57 years in Plessy against Ferguson, which was the doctrine of separate but equal. We in this House and in the other body passed amendments to the draft bill, the Hill-Burton Act, the Federal school lunch program, implementing the Supreme Court decisions. Now we come to a new decision, a decision of integration, and this is the first test whether we are going to abide by the Supreme Court decision as a legislative body. This is not a racial amendment, although I would like to point out that the only group that can speak with any authority for Negro people, meeting in San Francisco on Saturday morning, the National Association for the Advancement of Colored People, had their national convention. They had 1,100 delegates from 43 States, the Territory of Alaska, and the

District of Columbia, representing over 1,000 American cities where chapters were, and they voted unanimously in this respect, and this is the language that they passed in their resolution. They said:

Any vote against the Powell amendment is a vote in favor of segregation.

That was unanimous Saturday at San Francisco. This is not a political amendment, although it has given great concern to some members on my side of the aisle, because they feel that the Republicans are going to make hay out of this. Well, let the Republicans make hay out of the Powell amendment. It would be because we Democrats are not wielding our own scythes and sickles. So, it is not political. I would like to point out that a great deal of organized labor has lobbied against the amendment, and Mr. Walter Reuther assured me yesterday and I am inserting in the Record that he is in back of the Powell amendment and so indicated by telephoning me yesterday.

Now, I would just like to close with this one thought. In the last line of Elizabeth Browning's Sonnets From the Portuguese there is this magnificent thought: "God's realities always exceed man's fondest dreams." We have before us the American dream. It is a dream of one nation, indivisible, with liberty and justice for all, and I believe that you should vote according to that American dream.

Mr. WAINWRIGHT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this is the first time that I have spoken to the House of Representatives this year. However, I think this is the most momentous and important vote with which we have been faced. Certainly it is the most important that I have faced within the 4 years that I have served in the Congress. We have before us the question as to whether we are going to allow the injection of the Federal Government into the educational system of our land. I think that each and every one of us ought to search our hearts and our consciences before we cast a vote in that regard.

I think you would be interested to know that at the request of the Secretary of Health, Education, and Welfare I introduced the administration's proposal, the proposal that the gentleman from Pennsylvania just presented to you here today. Then we had 4 months of testimony, and I changed my mind. I was wrong. I should never have introduced that bill. Why did I change my mind? Because we had the testimony that convinced me and many of my colleagues, as the gentleman from Texas, Mr. DIES, stated earlier today, that if the States wanted to do the job, they could do it; the Federal Government should stay out of the local school districts. The second reason I changed my mind was that historical analysis proved that the evil leaders of each and every totalitarian state, on seizing control of that state, first put their paws on the educational system of their nation. You say that cannot happen here, and maybe it cannot. But let us not give it a chance to happen here.

Finally, the reason that I am opposed to this bill is because this question is answerable in only one way: How can the Members on the Republican side of the aisle, for example, in all good conscience, members of the party of Abraham Lincoln, vote the Federal tax dollars to build white and Negro schools? How can they do it? The mores of other sections of our country allow for a different conclusion, but for my colleagues on my left, I say to them, search your consciences when you vote on this very, very important Powell amendment.

Mr. POWELL. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. I yield to the gentleman from New York.

Mr. POWELL. If the Powell amendment is agreed to, will the gentleman vote for the bill?

Mr. WAINWRIGHT. If the Powell amendment is agreed to and provided the basic changes requiring the States to amend their ways, I will support the bill. I will support it, not believing in Federal aid to education, but only to show my sincere support at the gentleman's motion. In other words it will show that I believe the greater question to be the principle of a Nation of great civil rights.

Mr. BOLLING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise to oppose this amendment because I am completely and absolutely convinced that its attachment to this bill in the House of Representatives will kill any hope of enactment of this very necessary bill into law. My views and the views of another man, a man who has a deserved reputation for his advocacy of and his fight for civil rights are best conveyed in an exchange of correspondence which I should like to read to this committee.

I wrote on April 19 to the former President of the United States, Harry S. Truman, as follows:

UNITED STATES
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 19, 1956.
Hon. HARRY S. TRUMAN,
Federal Reserve Bank Building,
Kansas City, Mo.

DEAR MR. PRESIDENT: One of the most important pieces of legislation before Congress today is the Kelley bill, providing for Federal aid to school construction. Knowing of your awareness of the need to improve educational opportunities for all children, I am sure I need not detail the reasons why it is urgent that this bill become law at this session of Congress.

The consideration of the Kelley bill in the House has been complicated by the prospect that when it was brought to the floor of the House, the so-called Powell amendment would be offered to provide for withholding funds from States not in compliance with the Supreme Court decision declaring segregation in public schools to be unconstitutional. Many of us who are consistent supporters of civil rights, and who approve and support the Supreme Court decision, nevertheless question the desirability of the Powell amendment in the present circumstances. First, we feel that it is inappropriate inasmuch as the Supreme Court is still in the process of implementing its decisions in this field. Moreover, we fear that the adoption of the amendment by the House would only prevent the enactment of the much-needed Kelley bill.

In view of your deep interest in educational opportunities and the strong position you have always taken for the full protection and enjoyment of civil rights by all our citizens, it would be most helpful if you could let me know your views on the situation which now confronts us.

Respectfully,

RICHARD BOLLING.

By letter of May 4, I received the following reply, which I shall read:

KANSAS CITY, Mo., May 4, 1956.
Hon. RICHARD BOLLING,
House of Representatives,
Washington, D. C.

DEAR DICK: I have your letter of April 19, asking for my views on the situation now confronting the Congress with respect to the Kelley bill, providing for Federal aid to school construction, and the Powell amendment.

First, let me say that I strongly favor legislation to provide Federal aid to school construction. The need is critical, and legislation adequate to meet it should be our prime objective. The Kelley bill is a good bill, and it should be passed promptly.

The Powell amendment raises some very difficult questions. I have no doubt that it was put forward in good faith to protect the rights of our citizens. However, it has been seized upon by the House Republican leadership which has always been opposed to Federal aid to education, as a means for defeating Federal aid and gaining political advantage at the same time. I think it would be most unfortunate if the Congress should fall into the trap which the Republican leadership has thus set. That is what would happen if the House were to adopt the Powell amendment. The result would be that no Federal aid legislation would be passed at all, and the losers would be our children of every race and creed in every State in the Union.

I believe in the full protection of the rights and opportunities of all our citizens without discrimination on account of race, religion, or national origin. This protection can best be afforded by means appropriate to the end in particular cases. In the circumstances which now exist, I believe that we can make the greatest progress toward this objective by the passage of the Kelley bill without the Powell amendment.

Sincerely yours,
HARRY S. TRUMAN.

I should like to point out to the members of the committee that this House prior to the adjournment of Congress will have an opportunity to vote on civil rights legislation as such.

Further, I should like to point out that the present President of the United States on a number of occasions has indicated that he considered the Powell amendment extraneous to the question of school construction.

I urge the defeat of this amendment.

Mr. BARDET. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have through the years refrained from debating the subject at hand. I know my people well, I know their traditions, and I know our experience, I know their convictions. I know there is not a man in this hall that has done more in connection with education for the people who are very much involved, than have I in the legislature of my State when I was a member of that body.

What I have said is no indication that I do not have a deep-seated resentment for anyone who thinks that a few paltry dollars would cause men of convictions

in my section to wilt and accept the glitter of the gold.

I, too, want to speak for my people even though I know my people will never get one penny of this money. We never have. We have gone right far, and we will go a long way yet.

In my brief statement I am not going to indulge in any swapping of bright remarks. May I remind you of something that happened during the Battle of the Bulge. A great general and some fine Americans were completely surrounded. The German general sent a lengthy demand, setting out the terms of surrender. That great American general, General McAuliffe, speaking the convictions of his men and himself sat down and wrote a very clear but short answer: "Nuts."

Mr. Chairman, I yield back the balance of my time.

Mr. FREILINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

I have given it careful deliberation over many months. I have considered every argument for and against the bill. I realize, naturally, that it is a difficult and perhaps a thankless task to oppose this amendment.

My basic feeling is that we should not inflame what we must admit is a volatile situation by tying the red flag of the Powell amendment to a sound and constructive bill.

There are seven points I should like to make about this amendment. I shall make them as clearly and succinctly as possible. These are:

First, the amendment would interfere with the judicial process.

Second, the amendment would serve to impede rather than hasten the process of school integration.

Third, the amendment would probably kill Federal aid for school construction at this session of Congress, if not for the indefinite future.

Fourth, the amendment would penalize children, including hundreds of thousands of Negro children, for no reason other than the accident of their place of birth.

Fifth, the amendment would threaten the continuation of Federal assistance to States in many vital areas of need, including education in federally affected areas and hospital construction.

Sixth, the amendment would impose a degree of Federal administrative supervision over local educational matters which is repugnant to our system, and would create an exceedingly dangerous precedent in Federal legislation.

Seventh, the American people do not believe the amendment should be added to this legislation for Federal aid for school construction.

We have just heard the gentleman from Missouri read a letter from former President Truman to that effect. We know, because President Eisenhower has mentioned it many times, that he also believes this proposal is extraneous to the bill we have before us.

Let us first consider the interference with the judicial process which the proposed amendment would cause.

In its ruling of May 31, 1955, the Supreme Court gave direction to the implementation of its ruling of May 17, 1954. The cases were remanded to the local courts which originally heard them in order that the ruling could be properly implemented. The Court recognized that "Full implementation of these constitutional principles may require solution of varied local school problems." It acknowledged that these local courts, once a prompt and reasonable start had been made, were the proper agency for adjudicating the cases "because of their proximity to the local conditions and the possible need for further hearings."

The ruling stressed that the lower courts would "be guided by equitable principles". It defined equity as "characterized by a practical flexibility in shaping its remedies, and by a facility for adjusting and reconciling public and private needs."

The Court recognized, further, that all States and all districts would not have the same degree of difficulty, nor the same problems, in complying with the original ruling. It therefore said that the lower courts might find "that additional time is needed to carry out the ruling in an effective manner." It went further and specified some of the conditions which the lower courts would take into consideration in making their "judicial appraisal"; "problems relating to administration arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems."

The Court ruling did not specify that all schools would integrate at once, or that all schools would integrate at the same time, or by a stated time. It directed the courts (not the Congress) to require of the school districts that they make "a prompt and reasonable start toward compliance" and declared, in relation to the time in which full compliance might take place, that it be "necessary in the public interest and is consistent with good faith compliance at the earliest practicable date."

Consider the effect of the proposed amendment in light of the letter and spirit of this ruling.

The amendment would shift the determination of compliance from the local courts to the United States Commissioner of Education and would impose a strict time limit for desegregation to be accomplished in order for a school district to benefit from the program.

These obvious conflicts between the Powell amendment and the Supreme Court ruling were accurately described in an article on February 2, 1956, entitled "The Powell Amendment," written by Walter Lippmann. Mr. Lippmann wrote in part as follows—and I quote:

The Supreme Court, recognizing that the changeover from segregated schools is a difficult and complex matter, has refrained from demanding immediate and unconditional application of its ruling. It has recognized that there must be a period of transition, a period of persuasion and accommo-

dation, and the Supreme Court has accepted the burden of presiding over this transition.

The Powell amendment runs counter to the letter and the spirit of the Supreme Court's decision. For the amendment proposes to have Congress take over from the Court the burden of getting the rule against segregation observed. It proposes to punish the localities which are slow about or opposed to complying, and to give to administrative officials, rather than to the Supreme Court, the power to determine whether the law is being observed. No one, I submit, who understands and believes in the Supreme Court's decision, can vote for the Powell amendment.

I know of no matter of such general and continuing importance in the entire history of our Nation which more clearly calls for handling through the judicial process and not through the legislative process. We in Congress have no hesitation in criticizing both judicial and executive action which we think goes beyond its appropriate bounds. But have we stopped to consider what we would be doing here if we adopt the Powell amendment? My friends, we would be seeking to legislate in an area in which legislation can only do harm. We would be arrogating to ourselves powers clearly belonging to the judiciary.

Desegregation in schools is a matter involving the Federal Constitution on the one hand and State governments on the other. The 14th amendment applies to State action and does not grant powers to the Federal Government. The interpreter of the Constitution is the Supreme Court. It has retained jurisdiction for itself and the system of lower Federal courts. Numerous court cases are pending which will gradually etch out the details of the desegregation process decreed by the Supreme Court. These cases will eventually resolve questions as to the use of tax revenues to support segregated education.

Thus the entire area of desegregation is one under the judicial appraisal which the Supreme Court called for.

For the Congress to intervene at this juncture would be a drastic interference with the judicial process. I am convinced that our action in adopting this amendment would be in derogation of the Constitution rather than in support of it. Let all those who support the Constitution and the Supreme Court decision stand firm against this proposed interference by the legislative branch.

II

My second point is that the amendment would serve to impede rather than hasten the process of integration.

All of us know something about the fundamental and deep-rooted social attitudes which underlie this matter of segregation. These attitudes will change much more rapidly as a result of natural forces—such as observation of the desegregation process in border States—than they will by attempts to impose a Federal policy.

Indeed, I know of nothing more inflammatory to the South or more conducive to a hardening of the resistance to integration than the intrusion of the Federal Government. No matter how the rider is explained, it will be construed as punitive legislation. It will thereby increase racial tensions.

The effect of the proposed rider in increasing racial tensions and hence making desegregation more difficult to accomplish, is well described in an article by Bill Frank in the Wilmington (Del.) Morning News of February 7, 1956.

Mr. Frank wrote in part:

Representative POWELL may think he is helping the cause of integration. He is not; he's hurting it.

* * * * *

Let's look at the possible effect of the Powell amendment in Delaware:

The comparatively little money that the Federal Government would make available here would be denied to such important communities as Laurel, Milford, Georgetown, Seaford, and so on; it would be denied to the smaller districts that need help, too.

You can imagine the intensified hatred that would flare up in those areas.

But you can also imagine how all children would be hurt in those districts—Negro as well as white children.

In fact, the Powell amendment, translated in part of the Federal aid-to-schools law, would virtually bring on an attitude of the hell with it all. We'll not be badgered into submission by any such monetary whip nor will we be lured on any such bribe.

The thesis that this rider, if actually written into a school construction act, would cause further degeneration of race relations and greatly impede a compliance with the Court decisions is stated or implied in nearly every discussion of the proposal. That is the import of President Eisenhower's references to deep roots of prejudice, emotionalism, built up over the years in this problem, and gradual implementation made in his press conference of January 25 in which he opposed the attachment of this rider to the school construction bill.

On February 15, the Des Moines Register editorialized "Tacking an anti-segregation amendment onto the school bill can serve only to further inflame extremist sentiment in the South. It won't help the causes of either education or equal treatment of Negroes."

III

My third point is that the adoption of this amendment would mean the death of Federal aid for school construction—at this session of Congress if not for the indefinite future. That the other body may take such action whether or not we include this amendment is certainly no argument in favor of incorporating this amendment in the bill.

I invite any one of you to ask the majority or minority leader on the Senate side, or the chairman of the Senate Labor and Public Welfare Committee, his opinion of the chances of enactment of school-construction legislation if it comes to the Senate with the Powell amendment attached. I assure you that you will get the same answer from each of them—that the bill would not have the slightest chance of enactment. It would never be brought to a vote.

These are the realistic, hard, cold facts. We cannot ignore them. We cannot close our eyes to the fact that the objective of this legislation will utterly fail if we add this amendment. We cannot, with honesty, say in this situation that what we do is our business and what the Senate does is its business. If we vote for the amendment, we know we are

voting against school-construction aid to the States this year. Even if the amendment were sound in principle and purpose—which, in my opinion it is not—the fact that it would kill the school-construction bill would be an overwhelming reason for voting it down.

iv

A fourth reason for voting against the amendment is that it would penalize children—both white and Negro—in one whole area of the country, even if we make the unwarranted assumption that a bill could ultimately pass with the rider attached.

The children in segregated States need schools as much as children anywhere. They are not responsible for the social conditions which have their roots in events of a century or more ago. Who would we be hurting if we deny Federal aid to those States still practicing segregation? We would be hurting the youngsters of the school districts most in need of outside assistance: the districts with the most overcrowding or obsolescence and the least resources. These are the districts which have top priority for aid under the bill.

Why should we help to perpetuate educational situations which lie at the root of much of the misunderstanding between races? Why should we hold the educational opportunities for Negroes down at the same time the Supreme Court decision seeks to bring them up? Why should we deny funds to any area of the country when our fundamental objective—in harmony with the Supreme Court decision—is to give Negroes more education rather than less? And what about the white children in the South who would benefit from this bill?

Gentlemen, the fact that a child of this Nation is born in an area of the country where, for reasons of history, a certain social situation exists, must not result in penalizing that child. He would be so penalized if we should withhold from him the educational benefits of this bill.

v

The fifth point I want to make about the Powell amendment is that the amendment would threaten the continuation of Federal assistance to States in many vital programs.

How, for example, can we distinguish between vocational education grants and grants for school construction? The vocational education grants are even more intimately related to the teaching process and the subjective elements considered in the Supreme Court decision than are the proposed grants for assisting in buying bricks and mortar. The Congress appropriated nearly \$34 million in the fiscal year 1956 for this exceedingly important program.

What about the grants to localities in federally affected areas? Our committee already has been urged to adopt such a rider to this legislation. The Congress appropriated \$90 million for maintenance and operation and nearly \$32 million for school construction in these areas for fiscal 1956. These grants involve the Federal Government even more closely than the grants specified in the bill now under consideration, since they

do not go through the States. The programs for school construction and school operation involve a direct Federal-local relationship. Thus there would be far more logic in adding the Powell amendment to these laws than to the bill before us.

What about the school-lunch program? How about agricultural extension work?

Indeed, why should the Office of Education be permitted to use its appropriations to provide even technical assistance to States which are still segregated?

What about the health field, hospital construction, and other vital health programs?

Logically, if the amendment is attached to this bill, we will be compelled to attach it to numerous other Federal laws providing educational and other benefits. Furthermore, what about other new programs? Suppose we were to have a national emergency requiring crash educational programs in schools and colleges. Would we have to say that Federal funds could not be used in schools and colleges of the South?

I submit that we cannot block all Federal support for education in the Southern States which are still segregated without creating a crippling situation which will do irreparable damage to the South in particular and to the Nation as a whole. And yet the vote on this amendment presents precisely that issue.

vi

My sixth point is that the amendment would impose a degree of Federal administrative supervision over local educational matters which is repugnant to our system. It would create an exceedingly dangerous precedent in Federal legislation.

If the amendment is adopted, we will be injecting the Commissioner of Education into every school district in the Nation where there is some question as to segregation. The Commissioner would have to be not only a judge but a detective. Do we want the Commissioner looking into the deliberations of school boards, the assignment of teachers, the location of schools, the matter of transportation, and even matters of curriculum? Gentlemen, if we have any real belief that Federal control of education is undesirable we must oppose the Powell amendment.

This amendment would establish a poor precedent so far as the discretion and power of the Commissioner of Education is concerned. It violates our cherished principles of State and local control of the administration of educational matters. It would make the Commissioner of Education almost an arm of the FBI, and make it impossible to administer the bill.

vii

My final reason for opposing the Powell amendment is simply that the vast majority of American people do not want it. Public opinion polls demonstrate this.

No public opinion poll is 100 percent accurate in all cases, but few would deny that the Gallup poll does have a high degree of accuracy. Several polls have been taken by Gallup of opinion regard-

ing school construction legislation. Two conclusions may be drawn:

(a) I mentioned during general debate last week that over two-thirds of the American people favor Federal aid for school construction—this was about the same margin shown at the recent White House Conference on Education. The poll of January 22, 1956, showed that all sections of the Nation and both Republicans and Democrats favor passage of the legislation—for an aggregate of 67 percent favorable.

(b) By nearly the same margin, 61 percent of our citizens familiar with the bill oppose the idea of denying funds to communities in the South where school segregation is still being practiced. Here again, every section of the Nation and Democrats and Republicans alike line up with the majority. This second poll was published on March 22, 1956.

One may only conjecture what the result would be if those who do favor the withholding of funds were asked, "Would you favor such a course if it meant that no State or school district in America will receive urgently needed assistance?" I doubt that anyone will disagree if I suggest that the 61 percent in the Gallup poll opposing the Powell amendment would increase sharply to some 80 percent or 90 percent.

The White House Conference on Education recorded a strong sentiment—2 to 1 for Federal school-construction assistance to the States. It is remarkable that, at this highly representative conference of educators and laymen, less than 1 discussion group in 10 expressed a sentiment for denying such aid to areas which have not yet integrated their schools.

The majority of editorials written on the school construction issue throughout the country in the last few months are in strong opposition to the Powell amendment. A recent example which has come to my attention is the editorial in the Washington Daily News of June 27, entitled "Clouding the Issue." Let me quote just one paragraph from this editorial:

Whatever one's feelings about the lack of progress in the South in carrying out the segregation ruling of the Supreme Court, it is infinitely better to provide children with better segregated schools than to deny them this help because they are segregated. No demagogic rider can alter that plain fact.

Among other newspapers voicing disapproval editorially are: The New York Times, Washington Post and Times Herald, St. Louis Post-Dispatch, the Kansas City Times, Kansas City Star, Nashville Tennessean, and Des Moines Register.

As everyone knows, leading educators and educational organizations oppose the Powell amendment.

In conclusion, I feel the arguments against the amendment are overwhelming. I call upon all members of this body to follow the lead of our great President and oppose this amendment.

Mr. ROOSEVELT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time in order to support the amendment offered by the gentleman from New York [Mr. POWELL]. I am sure many of us here today recognize that this amendment has

posed a most difficult problem. We, who have fought for and who believe in Federal aid to school construction, may well be accused of what we have been accused of here, of being willing to sacrifice Federal aid to school construction on the altar of the principle that we believe no Federal money should be spent in order to aid in any way opposition to the Supreme Court decision banning segregation in the public schools.

I think it is well for us to recognize particularly in answer to the gentleman from New Jersey that it would be an entirely different proposition before us today if the statement had not been made over and over, and if action had not already been taken which indicated that this is not action to decide whether some States need more time in order to adopt and to conform to the Supreme Court decision. They have already stated that under no circumstances will they ever conform to that decision. As long as that is the public and stated position, I do not believe that any legislative body has the right to give public funds to those who are in open defiance of the Supreme Court of the United States. And I say to you in all humbleness that I do not believe there is anyone who wants to see more than I want to see money go to help alleviate the schoolroom shortages in our country. But I also know that we as a Nation face a world today where if we give the signal that we are not ready to stand up and to fight for this basic principle even at the cost of temporarily delaying the necessary money to finish some of our schoolrooms we will have lost in the world the friendship and the alliance of those that we need in order to fight the battle of freemen against the communistic world. It is just as simple as that; and while I hate to see one principle defeated, I believe in all conscience that I must say that I think the overriding principle is the principle which the Supreme Court of the country has enunciated and one which I personally am proud to stand up for and to vote for, which I will do in support of Mr. POWELL's amendment.

Mr. BAILEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the proposal of the gentleman from New York is a basic one. If adopted it can well mean the death of this legislation, if not in the House most certainly in the other body.

My position is well known, Mr. Chairman. Some years ago I assisted the gentleman from New York in getting a fair employment practices bill out of our Committee on Education and Labor by a 13-to-12 vote. I assisted him in the fight on the floor even though it was a losing fight. I am still sympathetic toward minority groups.

The Supreme Court has ruled on two occasions, once in 1954 and again in 1955, that the group he seeks to aid is no longer a minority group in the field of educational affairs. I must oppose his amendment on the ground that it has no place in this legislation.

He is not satisfied with equality; he wants the Congress to give special treatment to his race. He wants us to pick them up now that they are on a basis of equality; pick them up as a considered

group over and above everybody else who is on a basis of equality, and pass legislation to punish somebody.

It is not the purpose of the Congress of the United States, it is not the function of the Congress, to pass punitive legislation; it is the function of the Congress to pass legislation that is for the general welfare and that bears equally on everyone.

It is the function of the courts to administer punishment and the courts are open to him just like they are open to all the rest of our citizens.

Mr. KELLEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I yield to the gentleman from Pennsylvania.

Mr. KELLEY of Pennsylvania. Will the gentleman explain to the committee whether or not the Committee on Education and Labor considered this amendment?

Mr. BAILEY. We did.

Mr. KELLEY of Pennsylvania. What was the result?

Mr. BAILEY. I think the vote was 17 to 10, as I recall it. If I am wrong, I am sure the clerk of the committee can correct me. I think that was the vote in the Committee on Education and Labor.

Mr. Chairman, I would like to submit at this time for inclusion in the RECORD a wire I just received from the National Education Association in session at Portland, Oreg., as follows:

JULY 2, 1956.

Hon. CLEVELAND M. BAILEY,
United States House of Representatives,
Washington, D. C.:

The 2,200 delegates representing over 550,000 classroom teachers in these United States meeting today at their annual business meeting in Portland, Oreg., urgently request the defeat of the Powell amendment and the passage of H. R. 7535 to meet the urgent need of classrooms for our Nation's children.

ELIZABETH YANK,
President, Department of Classroom Teachers, National Education Association.

Here is another telegram from West Virginia, as follows:

DUNBAR, W. VA.

The executive board of the West Virginia Federation of Women's Clubs representing 20,000 West Virginia women in session in Charleston ask for your support of the school building construction bill without the Powell amendment.

Mrs. PHARES E. REEDER,
President.

Here is a telegram from the secretary of the National Education Association in session at Portland, Oreg.:

Respectfully urge you be on House floor to oppose and vote against Powell amendment.

WILLIAM G. CARR,
Executive Secretary, National Education Association.

JOHN LESTER BUFORD,
President, National Education Association.

Mr. Chairman, I also have the following letter from James G. Patton, president of the National Farmers Union, as follows:

NATIONAL FARMERS UNION,
Washington, D. C., June 26, 1956.

DEAR CONGRESSMAN: National Farmers Union urges you to support the school-construction bill, H. R. 7535. More than ample

justification for enactment into law has been given the Labor and Education Committee in lengthy hearings.

Rural farm States in particular are in need of assistance. Since the beginning of the industrial revolution, wealth has flowed from farm to metropolitan-industrial areas. Migration of rural youth, settlement of estates with off-farm residents, and payment of interest and rent to off-farm interests all contribute to the loss of wealth in rural areas. Wealth from farms will continue to move in this manner with an increasing amount flowing across State lines. The only means we as a Nation have to protect the right of our children to equal educational opportunity is to provide through the Congress the taxing of wealth where it is and the use of funds so derived to help children where they live.

The many long-standing programs of federally aided education have operated under universal local control. National Farmers Union strongly supports local control of educational programs at every level. We do not believe approval of federally aided school construction will violate this principle of long standing.

National Farmers Union strongly believes the bill will give greatly needed aid to children both in urban and rural areas. We hope that you will support H. R. 7535, opposing any crippling amendment when it reaches the House floor for debate and vote.

Sincerely,

JAMES G. PATTON,
President.

Then I wish to submit also the following news item from the National Education Association, which includes a speech by Eric Johnston made at the Annual Convention of the National Education Association in Portland, Oreg. This news item is as follows:

ERIC JOHNSTON, FORMER CHAMBER OF COMMERCE PRESIDENT, ENDORSES FEDERAL AID FOR SCHOOL CONSTRUCTION

PORTLAND, OREG., July 2. Eric Johnston, president of the Motion Picture Association of America and former president of the United States Chamber of Commerce, declared here tonight that there is no crisis in education that money won't cure and that some of the money—"perhaps most of it"—must come from the Federal Government." Mr. Johnston's endorsement of the use of Federal funds for education and more specifically of passage of the school-construction bill now being debated in Congress comprised a major part of the speech delivered at the National Education Association annual convention being held here this week.

"At the outset," he said, "I would like to offer one personal conviction. I am for Federal financial responsibility in American education. I say this unequivocally. I know and you know that we cannot buy one new classroom or hire one new teacher with a tax cut. Personally, as a businessman, I would favor postponing any cutting of corporate or income taxes until we deliver adequate funds for restoring our national educational system. * * * I firmly believe that Federal support for education can be supplied without disturbing the autonomy of our Nation's schools in our local communities."

Mr. Johnston pointed to congressional approval of an expenditure for highway construction that could amount to some \$3 billion annually for the next decade. "I favor this expenditure. We need the roads," he continued, "but if we can afford \$3 billion of Federal funds each year to improve our roads, why can't we afford \$3 billion to improve our schools?"

"I know full well," he stated, "that an additional \$3 billion for our schools must come from taxes, not tax cuts. Now some people say we must cut taxes to stimulate business. As a businessman, I am sure we

can also stimulate business through a Federal school-construction program."

"It's not hard to offer new ideas," he concluded. "It's always harder to work them out. One reason for this is that our society is always in motion—and today it is moving at breakneck speed, with the accelerator down to the floorboard. The status quo people will undoubtedly argue that large-scale Federal support for education is at least upsetting, possibly radical, probably dangerous. But status quoism is an old fashioned and fairly common disease. We've cured it before. We can cure it again. And we shall also cure the diseases now besetting education."

AN ADDRESS BY ERIC JOHNSTON BEFORE THE ANNUAL CONVENTION OF THE NATIONAL EDUCATION ASSOCIATION, PORTLAND, OREG., JULY 2, 1956, MULTNOMAH STADIUM

The theme of your convention this week is "Be Proud To Teach." It's a fine theme. But pride is not enough. I have not come before you this evening to talk as a professional in the field of education. I don't pretend to be one. I have come to talk to you as a businessman and taxpayer who is interested in the welfare, growth and prestige of our country.

You have talked and I presume will continue to talk during your entire session on the crisis in education. I want to say to you as a businessman that there is no crisis in education—that money won't cure.

And that is why I say that pride is not enough? To be proud of your profession, your profession must have a proper status in our society. This will cost money.

At the outset, I would like to offer one personal conviction. I am for Federal financial responsibility in American education. I say this unequivocally.

I know and you know that we cannot buy one new classroom or hire one new teacher with a tax cut. Personally, as a businessman, I would favor postponing any cutting of corporate or income taxes until we deliver adequate funds for restoring our national educational system.

At the same time, I would like to add that I am against the Federal Government telling our schools what they should teach, or how they should teach it. I firmly believe that Federal support for education can be supplied without disturbing the autonomy of our Nation's schools in our local communities.

* * * We've heard the nature of our educational crisis recited many times in many ways—inadequate schools for our growing population, inadequate salaries and status for teachers, inadequate recruits for the teaching profession, inadequate recognition of gifted students, inadequate opportunities for students to proceed to the limit of their talents, inadequate opportunities for students to become acquainted with our complex world—both at home and abroad.

Some of these problems have been with us for years, but never have they been more acute. Let me anchor this fact with a statistic. In the 20 years between 1930 and 1950 our school enrollments remained about the same. Today our school enrollments are increasing by 1½ million students every year. If we weren't prepared for our new students in the 1940's, how well prepared do we think we are in 1956?

With that disturbing question, I hope to put aside the problems and consider some of the solutions. I don't think it will be hard to find workable solutions—if we are willing to pay for them. As we all know, free education is free only to school children. Someone has to pay for it.

At this moment in our history, we're getting our nickel's worth of education—perhaps even a dime's worth for a nickel. But if we want a dollar's worth, we're going to have to spend a dollar. There is no bargain-counter price for education in this or any country.

This year our States and communities are spending almost \$10½ billion annually for our public elementary and high schools—which amounts to about 3 percent of our gross national income. How do we spend it? According to our public ledgers, we are now paying about \$2½ billion annually for new school buildings, about \$5 billion for teachers' salaries, and about \$3 billion for all additional school costs—books, pencils and paper; heat, light and water; and the salaries of clerks, cooks and janitors.

This amount is simply not enough—neither for our school system today nor for the expanded school system we will require tomorrow. How much more do we need and where will it come from? As a rough figure—a kind of target figure to shoot at—we might consider an additional sum of \$3 billion a year for education. I don't intend to stand here tonight and tell the Congress of the United States what it should appropriate—as to the final precise amount, even educators will disagree.

Where the increased funds must come from, however, is a rather simpler question. Some of it, perhaps most of it, must come from the Federal Government. In the gas-light era of our recent past, the States and communities collected 75 percent of all tax revenue and the Federal Government collected 25 percent. Today the States and communities collect only 25 percent while the Federal Government collects 75 percent. If our schools need more tax money today, and they do, they have to go where the tax money is.

Our Congress this year has considered an expenditure for highway construction that could amount to some \$3 billion annually for the next decade. I favor this expenditure. We need the roads. But if we can afford \$3 billion of Federal funds each year to improve our roads, why can't we afford \$3 billion to improve our schools?

I know full well that an additional \$3 billion for our schools must come from taxes, not tax cuts. Now some people say we must cut taxes to stimulate business. As a businessman, I am sure we can also stimulate business through a Federal school-construction program. I am opposed to cutting taxes generally until we put our schools in order.

How do we arrive at our target figure of an additional \$3 billion a year for education? First of all, we must have more classrooms because we have more children to put into them than ever before and because we have neglected to build enough classrooms for the past 20 years. Today more than a million children can't be properly educated—unless you have no objection to such emergency schoolhouses as war-weary barracks and empty garages.

I am no expert in this field, so I called on the experts. The Federal Office of Education, which has more dedication to its work than funds to carry it out, tells me we must build at least 95,000 classrooms a year for the next 5 years to meet our present needs and increasing enrollments. Their experts say we are now building only 67,000 classrooms a year and that unless we expand our construction program, we will have to stretch the very walls of our schoolhouses to crowd in the avalanche of new students.

I asked how much more we needed, at a minimum, for school construction. With their hearts as well as with their slide rules, they set the figure at \$1½ billion annually.

It's not hard to offer new ideas. It's always harder to work them out. One reason for this is that our society is always in motion, and today it is moving at breakneck speed, with the accelerator down to the floorboard. The status quo people will undoubtedly argue that large-scale Federal support for education is at least upsetting, possibly radical, probably dangerous. But status quoism is an old-fashioned and fairly common disease. We've cured it before. We can cure it

again. And we shall also cure the diseases now besetting education.

No nation on earth is more devoted than we are to a system of universal free education. After all, we invented the idea. But in recent years, we've neglected our responsibility and now we must give more than lipservice, we must dig into our own pockets. That may hurt a bit, but the rewards will be enormous, for ourselves and the generations to come.

With the funds we need we can restore our educational system to the status it deserves; we can relieve the shortage of skilled people in this country; we can provide an adequate school plant for the children we're raising, an adequate staff to instruct them, and a status for the teaching profession to rank among the highest in America. When that day comes, one truly may be proud to teach.

Mr. BARDEN. Mr. Chairman, as a result of the request of the Members who have engagements tomorrow and are anxious to catch planes and trains, may I see if we cannot agree upon closing debate on the Powell amendment as early as possible.

Mr. CHAIRMAN. I ask unanimous consent that all debate on the Powell amendment and all amendments thereto close in 25 minutes.

Mr. LONG. Mr. Chairman, I object.

Mr. BARDEN. Mr. Chairman, I ask unanimous consent that all debate on the Powell amendment and all amendments thereto close at 10 minutes to 5.

Mr. SCOTT. Mr. Chairman, I object.

Mr. BARDEN. Mr. Chairman, I move that all debate on the Powell amendment and all amendments thereto close at 5:15.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. HESELTON].

Mr. HESELTON. Mr. Chairman, reduced to basic considerations, and stripped of frivolous and specious sophistries, the arguments against this amendment seem to me to be two.

First, it is suggested that, for practical reasons, even though a matter of fundamental principle is involved, we must oppose the amendment because somewhere else it may result in a filibuster. What happens elsewhere is the sole responsibility of those who have the duty of acting and who must accept the full consequences for not acting after this House has completed its initial consideration of this or any other legislation. We do not have even a moral responsibility for what happens there. I shall not make my decision and cast my vote here because of any fear aroused by those who have condemned all the members of the Supreme Court bitterly ever since the school decision or who have declared repeatedly that they will find ways and means to nullify that decision and even to defy the Constitution itself, if necessary. Apparently, the theory of their denunciations is that no one has any standing in this Nation unless he or she is born a member of the white race. That violates what I firmly believe to be my duty to all my constituents, irrespective of their race, their religion, national origin, or any other factor, except that each is entitled to life, liberty, and property, and the equal protection of all our laws—not just some of them.

Second, it has been urged that principle is not a factor here. It has been pointed out that the Supreme Court rightly stated that the changes flowing from its unanimous decision should be brought about with deliberate speed. But, in my opinion, that does not excuse this House from facing up squarely to the problem of civil rights in this country whenever it has the opportunity of doing so.

We all know the excellent record of the Supreme Court and other Federal courts in this field. We know the tremendous progress that has been made by the executive departments and agencies. But we know, too, the unfortunate lack of a record of Congress in this field. We are all too conscious of the fact that whenever and wherever a problem involving civil rights may arise in Congress, we will be confronted with dilatory tactics, postponement, and evasive or inflammatory arguments, all to the end that we shall avoid meeting the issue squarely and honestly, as we can and should here this afternoon.

I have great respect for some who believe this amendment should be defeated. But so far as I am concerned, because of a deep conviction that the civil rights of each of our American citizens are far beyond the need to pay lip-service or to include in party platforms, I intend to do my part, at least as I see it, toward helping to make it crystal clear that the House of Representatives of the United States really believes in the individual dignity and the basic human rights of every individual in this country.

There is nothing irrelevant or impudent about this. It is fundamental.

And I believe that the vast majority of the children in this country who may benefit by this program, if it becomes law, would agree this afternoon that their schoolmates and friends have waited long enough for Congress, and particularly this House, to begin to discharge its own responsibilities as to the civil rights of all Americans.

I urge support of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. LONG] for 1½ minutes.

Mr. LONG. Mr. Chairman, I can hardly figure out how the Democrats have gotten into this. When I first began to tell the folks that I was a Democrat, we talked about local self-government and things of that kind. This kind of a squabble today does not even sound like the Democratic Party of the old days. The Democratic Party of old has believed that the States and local areas were in a position to know what the people wanted and to pass laws affecting these people. In other words, the Democratic Party subscribed to the belief of local self-government.

I am not a young fellow. I have been in this kind of a fight all my life. I know something about it. My district is 40 percent colored and 60 percent white. The colored people in my district pay less than one-half of 1 percent of the ad valorem tax, yet they enjoy every privilege that is enjoyed by the white people. We do not show a difference between white and black when it comes

to school matters—Jew, gentile, or anyone else. We have endeavored in every way that we possibly could to see to it that the colored children and the Catholic children got the same break as the Protestants, although the Protestants are far in the majority.

When my brother was Governor of the State of Louisiana, the free schoolbook law was passed. At that time the colored people had very few votes. Many people said, "We are not going to give these books to the colored schools; we are not going to give these books to the Catholic schools; we are not going to give these books to the Jewish schools. They are for the white public schools."

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. LONG. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. LONG of Louisiana moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Louisiana is recognized on his preferential motion.

Mr. LONG. Mr. Chairman, I want you to understand that we could very easily have said that no colored child may have free schoolbooks in Louisiana. But we did not do that. We said, we will give schoolbooks to the children of the State of Louisiana, be they white, black, Jew or gentile. And they got them. And they get them today.

When we started to build schools, we built colored schools just as we built white schools. And some of the finest schools on the face of this earth are in Louisiana and they are colored schools.

When we built hospitals, the facilities were opened to the colored just the same as they were to the whites; no color line, no racial line, no religious line, no line at all—just human beings. Anyone who was sick and needed help could go into the hospitals of Louisiana.

This amendment that is brought here today can do only one thing and one only; and those who are proposing this amendment can take upon their shoulders the responsibility for the failure of the children of Louisiana, be they black or white, to get the benefits proposed in this bill. That is all it can do. Do you know why? They know it. Louisiana is not going to integrate; I do not care what kind of a law you pass here today. This is not just GEORGE LONG talking, but I am expressing the sentiments of thousands on top of thousands of people, both black and white, in Louisiana.

I have discussed this question with many good colored people. They are satisfied with their schools, they are satisfied with their hospitals, and they want them to remain that way.

True, we need this money. Many military people have moved into my district. Money is sorely needed for more classrooms. We are overcrowded in every school everywhere.

I could not speak out and say, "Let's take this money." No power on earth can change the customs of a people that have been established over more than 150 years. A few months ago it was en-

tirely legal, to segregate the races, and we did it under the ruling of the Supreme Court of the United States of America. The same Congress that passed the 14th amendment also passed a segregation law for the schools in the District of Columbia. Now can you come here and in a few days or a few months expect to change the traditions of 50 million people, overnight? It is just impossible and preposterous.

Those who propose this kind of amendment do not have at heart the welfare of our children, the white or the black. They have a political ax to grind instead of trying to help the youth of this land who cannot come here to vote for themselves. I am speaking today for those boys and girls who cannot cast their ballot. I am speaking for the poor boy or girl, black or white, who cannot stand up and talk for himself. He does not have an adequate education, and he never will have with this crippling amendment that is sought to be forced on the children of this Nation.

Mr. DAWSON of Illinois. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. LONG. Mr. Chairman, I ask unanimous consent to withdraw my motion.

Mr. HOLIFIELD. I object, Mr. Chairman.

The CHAIRMAN. The objection is heard to the unanimous-consent request to withdraw the preferential motion.

The gentleman from Illinois is recognized for 5 minutes.

Mr. DAWSON of Illinois. Mr. Chairman, I take this method of getting 5 minutes to talk to you about a matter that is of grave concern to all of us.

More than 70 years ago I was born in the South. When I was a child the school for the colored kids was open only a few months out of the year, when they did not need us in the fields. Sometimes those who were engaged to teach could barely read and write themselves. The schools for others were open 9 months out of the year, with adequate schoolrooms and with adequate facilities and with trained teachers.

My mother and my grandmother worked their fingers to the bone cooking and washing clothes in order to give me and my brothers and my sisters an education. We had to go to a private school. The last request of my mother when she passed away was to ask me to see that every one of the children younger than I got the opportunity to have a college education. Every Dawson younger than I has had that college education, and all of them have made their contribution to America. I recite these things to you to let you know that I know something about America. I know something about the system, but I believe in America and I believe in our institutions. That is why I am opposing the Powell amendment. A survey shows that hundreds of thousands of schoolrooms are needed in these United States. Those who claim that the States have the ability to build them are met with the proposition that you have not done it and a national crisis now faces this Nation of ours and schoolrooms are needed by all the children of America.

The education of the young is as fundamental for the preservation of this Nation of ours as maintaining a standing army. You are considering today and you will pass a bill today that will aid education in every State in the Union. I am of the opinion, and that opinion is based upon 14 years of experience in this Congress that if you attach the Powell amendment to this school-aid bill, you will have no school-aid legislation at this session of the Congress. That is based upon the experience I have had with civil-rights bills and other bills. Is the Supreme Court powerless? I say to you the Supreme Court is one branch of our Government charged with its responsibility. Since when did the Supreme Court become powerless?

Every right that we have gained in these last years has been gained under decisions of the Supreme Court because the decisions of the Supreme Court are the law of this land until they are changed by the Congress. Oh, I remember when a member of my race could not vote in the South. We could not vote in the South because the Republican Party would not run any candidates for election and the Democratic Party ran under the white primary. Therefore, Negroes were foreclosed from the polls. But, the Supreme Court issued an edict that since the Democratic primary is the only method of expressing yourself in Federal elections, you could not keep them out of the Democratic primary. And that is why we have had a chance in the South to go forward in spite of the iniquitous agreement entered into by both parties. Go back and read the record. Read the history of your country. Have Negroes attended schools in the South? Yes; we have attended school in the South and in every Southern State. We attended schools because right after the Civil War and after the secession the only way to get back into the Union was for the State to agree to uphold the Constitution of the United States, the 14th and 15th amendments included. Negroes went to school in the South with the children of all races. It was only when there was another political deal made that the question of racial citizenship was made a State question instead of a Federal question. The Supreme Court by its decision has outlawed segregation and thereby made the right to attend school a national question.

I am of the opinion that the Supreme Court has adequate powers to enforce its decisions. This amendment can add nothing to its powers. Nothing can be done under this amendment unless and until the Court rules a State or school district is in contempt; when that occurs the Court will decide and impose the necessary penalties, and it becomes the duty of the Executive to carry those orders out. I am of the opinion that the Chief Executive, be he of any party, would not fail to enforce the mandate of our Supreme Court in the administration of this bill.

Believing as I do that if this amendment is attached to the Federal aid school-building program the basic legislation itself will be defeated, and believing as I do that there is a classroom shortage in every State in the Union, I

feel that the passage of this bill at this time is necessary to the best interest of our country.

I would not deny to the children in all States the opportunities to obtain their education because the people of a few scattered States have not yet obeyed the mandate of the Court when the way is open to hale them before the Court. This is the orderly process of our American way of life, and I believe that every right of citizenship will be gained under the provisions of the four corners of our Constitution as swiftly as we are able to bring before the bar of justice those who hesitate or refuse to carry out the mandate of the Highest Court.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Louisiana.

The motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, I have the uneasy feeling that each of us who speaks upon this issue may be a present example of those fools who rush in where angels fear to tread. Yet, challenging as it is to our statesmanship, it cannot be avoided.

Each of us, if he would be worthy of his oath of office, is under a special obligation here to try as best he can to examine this problem not as a northerner nor as a southerner but as an American. This I have tried to do. As an American, I am convinced that the Powell amendment, if adopted, could serve no purpose beyond adding to the confusion and increasing the bitterness which surrounds this problem.

We are dealing here with the most difficult, the most delicate and the most volatile social problem of our time. We must exert every care lest in some misplaced eagerness to solve the problem, we find ourselves in the unhappy predicament of the householder who lights a match to find the gas leak.

Washington newsman Roscoe Drummond, writing recently in his syndicated column, very aptly described the situation when he said:

It is almost impossible to overstate the size and somberness of the problem. Mishandled, it is capable of splitting the Nation * * * irreparably asunder. If the wrong words are spoken by the wrong people at the wrong time, there can be bloodshed. That is how serious it is.

As a matter of fact, it is not one problem but literally hundreds of problems which come surging upon us, and no single formula can be found to fit them all. Each school district finds itself face to face with a problem peculiarly its own. In my State, for example, 66 school districts have desegregated their classrooms. Others have announced their intention to do so in the coming school year. Yet there are others in which the population pressures are such, and the local sentiment is such, that it would be foolhardy and unrealistic to expect any such action to be taken and sustained at the present time.

The problem simply does not lend itself to any quick, sleight-of-hand solution. Irreparable harm could result from attempting it.

We cannot fail to observe that this proposed amendment goes further than the Supreme Court ruling which it seeks to implement. While the Supreme Court did not presume to establish an effective date of complete transition, this amendment would seem to require it immediately.

Precisely what is it that the amendment seeks to accomplish? Do its sponsors hope that by holding out funds and dangling them before southern schools they can somehow induce more rapid integration? If this is their aim, I think I can assure them that it will not work.

Such an attempt would surely be viewed by many southerners as a sort of shabby bribe to forsake their traditions and their own best judgment of the local situation. You will not change their hearts with dollars.

No legislation, as a matter of fact, can change the way people think. Nor can long habit be upset overnight. The virtues of justice and charity and tolerance and understanding, so essential to a solution, cannot be forced upon people. Products of the spirit, they are learned best by example.

Can we teach tolerance by an example of intolerance? By an example of refusing to tolerate or even recognize the problem of the South?

Can we encourage charity by an uncharitable example? By an example which says "You must immediately adopt our way of thinking, or you will not get one thin dime?"

To the sponsors of this amendment who would seem to be interested in amity and brotherly affection between men of different backgrounds, I would say that the way to achieve these things is not by a threatening posture, not by a legislative boycott of those whose views and whose problems differ from your own.

To my colleagues, both northern and southern, who are so sure that they are altogether right and that those of differing convictions are completely wrong, and to myself as well, I can urge no better advice than that of Him who said:

Why beholdest thou the mote that is in thy brother's eye but perceivest not the beam that is in thine own eye?

The way to raise the educational standards of an area is not by denying educational funds to that area.

The way to broaden the perspective of a region is not by isolating that region and turning its view to introversion.

The way to get understanding is to give understanding.

I know that there are those in the South who have given no understanding and attempted none, just as there are some in the North. Yet this amendment would contribute nothing to the cause of understanding. Instead, it would increase the tensions, intensify the bitterness, and magnify the bad will which stalks abroad in our Southland today.

It would meet with angry denunciation and bitter counterreprisals. It would give the demagog yet another weapon in his arsenal of hate. It would fan the flames of prejudice. It would permit many to feel self-righteous in declining Federal funds for any school

activity and withdrawing into a shell of cultural and educational isolation.

It would invite retaliation by certain State legislatures already under pressure to deny State funds to any school which does integrate its classrooms, or even to enact local legislation prohibiting such action.

Then where would a man stand who wants to be a good citizen—confronted with a choice between loyalty to his Nation and loyalty to his State. This is the stuff of which the Union could be rent asunder.

The danger to our domestic tranquility lies with the radicals of both sides. Drastic and precipitate measures play into the hands of the radicals. The solution lies, largely at the local level, with the men of good will, both white and colored. Amicable solutions have been found in certain areas. They can be found elsewhere if we are not shoved, not pushed, not prodded.

I propose a cooling-off period, in which tempers may be assuaged, fears may be allayed, and the precious and healing ingredient of time permitted to perform its wondrous works. I ask time for our southern leaders to explore each avenue which would in good faith improve the opportunity of the colored without inciting riots and hurling our society off this dangerous precipice into the deep ravine of violence.

This is a job for cool heads and clear eyes, neither heated by hatred nor inflamed by fear. Our greatest danger lies in allowing ourselves to become the victims of hate, for hatred is evil in the sight of God.

The Negro is a child of God, as am I and as are my kinsmen. He possesses an immortal soul, as do we. For this reason, if for no other, I cling to the belief that he and we, if left alone, can work out peacefully what differences have in the providence of God been placed between us.

The CHAIRMAN. The gentleman from Utah [Mr. DIXON] is recognized.

Mr. DIXON. Mr. Chairman, the Powell amendment if enacted will bring chaos into our school system.

If you want the States that have segregation to lose the funds for their agricultural experiment stations, vote for the Powell amendment.

If you want them to lose vocational funds for schools, vote for the Powell amendment.

If you want these States to lose funds for the school lunch program, vote for the Powell amendment.

The Powell amendment is tantamount to ordering the administration to deprive States that oppose integration of any of the above-mentioned funds.

I congratulate my colleague and friend, the gentleman from Illinois [Mr. DAWSON], for his fine statement. His spirit and position are the correct ones.

Shakespeare said:

How poor are they who have not patience;
What wound was ever healed but by degrees.

Thou know'st we work by wit and not by witchcraft,
And wit depends on dilatory time.

I love the schoolchildren of America;
I have worked with them all my life. I

want to see them have school buildings, but I know they will not under this bill; neither will it pass with this amendment in it.

I would like to make my position clear. I am a devoted advocate of integration. Mr. POWELL knows that. I congratulated him on his speech before he went to Bandung. I praised him for saying at Bandung that America had made more progress toward racial equality in the last 3 years than in the decades prior to that time.

Following his speech I placed in the RECORD a resolution from the Utah State Legislature supporting racial equality. This is not an issue of social legislation; this bill is a school building bill. Social legislation is extraneous to its purpose and only tends to deprive both the colored and the white children of the Nation of proper classrooms.

The CHAIRMAN. The gentleman from South Carolina [Mr. RIVERS] is recognized for 1½ minutes.

Mr. RIVERS. Mr. Chairman, it is a long time between speeches. I have sat here patiently, I have not disturbed anybody trying to get a few minutes of your precious time. I got a minute and a half.

Since Shakespeare has been brought into this debate I want to quote him too. We have had education down in my State of South Carolina.

Shakespeare said:

He laughs at scars who never felt a wound.

I want to say this to you: We have languished with this problem, we have languished with this great problem and we have tried to meet it.

We are fewer than 2½ million people in South Carolina and we have free schools, and we are running our schools. We do not want any Federal money. We have over \$300 million now that we have levied on my people to build our schools and run our schools. We do not want any of this money; we will run our own schools.

The CHAIRMAN. The Chair recognizes the gentlewoman from Illinois [Mrs. CHURCH].

Mrs. CHURCH. Mr. Chairman, I, of course, favor the Powell amendment, though I realize the implications, and I regret that there are such implications. I have taught school. I have devoted most of my adult life before coming to Congress to raising money for educational purposes. But there are some things more important than bricks and mortar. What I am concerned about is what today, in our action on this amendment, we are saying to the children of this country.

I for one may state, as I have written to everybody who has urged me to vote against the Powell amendment, that I could not be against that amendment and remain consistent to those things in which I have believed and which I have consistently expressed every since I came here: the brotherhood of man, the freedom of the individual, the divine faith of America that all men are created equal.

We are not forcing anything on anybody. We are not forcing them to do anything. Those of us who come from

States that are going to carry the major burden of the expense, and that have practiced integration and have proved that the system works in sanity, in soundness, in brotherhood, are simply stating that we cannot sacrifice principle for expediency. However much we need schools, we need much more to say to our fellows, to our children, and to the world that we in America accept no substitute for freedom, and no alternative to the demonstration of our continual faith in the equality and dignity of man.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I am not opposing this amendment from any punitive viewpoint. I am opposing the amendment because I well realize it will be the death of this legislation. Or, at least, that is my best judgment. The Education and Labor Committee has been working on this legislation for some 5 or 6 years. This is a piece of legislation that cannot be brought to the floor over night. I would regret to see all of our good time and effort wasted by the adoption of this amendment.

The Supreme Court has already recognized the problem involved here. They recognize the fact that implementation of those decisions would take time. There is no earthly reason why we should raise this question on this emergency legislation. The adoption of this amendment simply means that we will get no Federal aid for school construction and the proponents of desegregation will get no aid to desegregation.

It is my pleasure to represent one county that contains an area of 780 square miles in Kentucky. The people want to remain in that area. This particular county has an elementary and secondary school population of approximately 20,000. These pupils are now attending approximately 160 schools of various sizes. Eight schools are permanent 12-grade centers, and the remaining 150 enroll elementary pupils only. In this particular county, there are today approximately 126 small rural schools with 1 to 3 teachers. The school people in that area have a plan and they would like to build consolidated schools and leave just as few one-room schools as possible. This county like many other areas in the Nation is spending more than the national average of its income to educate these children.

The school children in similar areas throughout this Nation are entitled to better buildings. They should not be compelled to go to school for another generation, crowded and uncomfortable, without drinking or toilet facilities or central heating.

Yes, sir, those communities are making every effort possible but I am fearful that the adoption of this amendment could easily delay our educational standards for years to come. If the amendment is adopted, I certainly hope I am wrong in my views.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. McCARTHY].

Mr. McCARTHY. Mr. Chairman, the Supreme Court has counseled us to deliberate speed in this matter. Now, some of us may feel that the Powell amendment is not as deliberate as it should be. Some of us may feel that we should move quickly; some of us that we should move more slowly. It is my opinion that what is proposed in that amendment is in keeping with the recommendations of the Supreme Court of the United States, and surely the House of Representatives, the only body for which we need to speak and to act here today, does have a responsibility to do something on this problem. We have every right and the additional duty to try to bring about with deliberate speed what the Supreme Court has recommended. I must point out to the House that the pattern of segregation and discrimination that exists in this country is not something that has come about by any natural process; it is not something which simply occurred, but it has been advanced and it has been solidified by the action of government at every level. So, we here in the Congress can surely take action in this small way by the action of the House of Representatives to do something to break down with deliberate speed that pattern of discrimination.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. BROWNSON].

Mr. BROWNSON. Mr. Chairman, I rise in support of the Powell amendment. This position in support of a civil rights measure is not a new one for me. I have consistently worked both behind the scenes and publicly for civil rights legislation during my 5½ years in the House—in fact, recognition of the acute need for civil rights legislation was a part of the program in my first campaign for election.

It is important to the country, and in many ways important to our leadership position in a confused world, that this committee—today—faces up to its responsibility, here and now. This is no time for the head in the sand ostrich treatment. We are acting as the Committee of the Whole House on the State of the Union on a vital amendment to an important piece of legislation. This amendment will be voted up or down—accepted or rejected here today. It should be accepted or rejected on its own merits—not tied into a package deal based on vague speculation as to what the fate of the legislation might be if the amendment is accepted.

Several distinguished Members who have preceded me have predicted that if this amendment were adopted here today, it would kill this legislation. Perhaps they know something is afoot of which we are not informed. What proof do they advance for this statement? There is no valid reason to make that prediction if the gentlemen on the other side of the aisle are acting in good faith, and I assume they are. Once the amendment is passed, there should, under normal procedure, be a rollcall vote on the amendment, probably a rollcall vote on a motion to recommit and finally, a vote on passage. I hope it works out this way.

In my opinion there are several who will prefer this legislation with the Powell amendment included, although it must be admitted there are some who would vote against it on the basis of the amendment alone. The bill with the Powell amendment will attract some votes it would otherwise lose.

The argument also has been advanced that the adoption of the Powell amendment would signal the defeat of this legislation in the other body even were it to pass here today. The facts suggest this is less than pertinent since wide publicity has already been given the announcement that a similar amendment will be added in the other body, whether or not the Powell amendment is adopted here today.

There are neither cogent reasons or convenient alibis for us to evade the issue today. This is a time, the first in quite a while, when we have the opportunity of standing up and being counted as to whether we believe the 13th, 14th, and 15th amendments mean what they say. Abandoning the rights of millions of individuals to further guarantee a few million dollars of Federal aid is somewhat less than true liberalism as I understand the term.

Much has been made today of the need for gradualism, for moderation, for slowing down social progress in the field of equal rights. It has been 90 years since the passage of the 13th, 14th and 15th amendments to the Constitution—they are not in full effect yet. My Negro constituents have a right to ask, "How gradual can you get?" There is a recognizable and important difference between progress with moderation and no progress at all. I have studied the Powell amendment carefully. I find it temperate and consistent with moderate thinking. It is undoubtedly inconsistent with the position of those Southerners, many chairman of powerful committees, who signed the recent manifesto. They have openly and honestly suggested that their idea of gradual progress is no progress toward integration at all. With that position, however sincere its advocates may be, I cannot agree.

This is the day each Member pays a price for his civil-rights vote. He has to decide whether the individual welfare of each of 15 million Negroes is more important than a vague risk of losing a \$400 million Federal plum.

The civil-rights vote for the President's program, which we hope to make at the end of the month will not be that difficult. This vote today represents the hard choice and, for that reason, I urge adoption of this Powell amendment. I hope when it is adopted we are given an opportunity for a roll call vote both on the amendment and on the bill, but those are decisions which must be made largely within the ranks of the Democratic majority. In choosing between the rights of the individual and the increased Federalization of the educational system—if such should be the ultimate choice—I will support the Powell amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Chairman, State and local control over education is a

cherished tradition throughout this country of ours. I said to the House when I spoke in general debate that in my judgment up to that point there was no Federal control in that bill. Now I say to you, my friends, if you adopt the Powell amendment, that principle of State and local control over education will be violated and you are at that point adopting a principle for which there is no precedent in this country. The Gallup poll has shown that 71 percent of the American people believe that the integration prescribed by the Supreme Court for public schools should be a gradual process. The Supreme Court itself has said the same thing in the decisions in the school cases. You are dealing with a most delicate situation here. The Powell amendment will be ruinous in the South. It will set the cause of education back.

The Eisenhower administration has expressed open opposition to the Powell amendment, pointing out that school construction should not be delayed by this extraneous proposal. While we debate this amendment, Mr. Chairman, many of our Nation's children continue to suffer for lack of educational opportunities. Let us quickly kill this ill-conceived and ill-timed amendment and provide the Federal aid for school construction necessary for our national security and our national progress.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, difficult problems compel difficult decisions. Under this bill the State of Pennsylvania will be required to contribute about \$30½ million and will receive back about \$25 million. We are interested in what happens to the \$5½ million for which we get no return other than the satisfaction of seeing that it is justly and fairly administered and distributed. If this money were to be distributed by States which had levied taxes for it, those States might well say that we should leave the entire matter to them. But if the money is to be raised by other States and distributed by the Federal Government then I think we should be bound by the Federal law and by the decisions of the Supreme Court.

It was shocking to me to hear the distinguished Vice Chairman of the Democrat National Committee argue against the Powell amendment. The opposition to the Powell amendment of ex-President Truman and the Democrat National Committee exhibits continuing determination to kill civil rights measures. This is not the first time Harry Truman has tried to pull the rug out from under civil rights legislation.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut [Mr. DODD].

Mr. DODD. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. DODD. Mr. Chairman, it seems to me that the issue before us is a very simple one because it is a moral one.

This country was founded upon the principle that all men are created equal under God and before the law.

Since this principle was announced at the very beginnings of this Republic, we have been struggling to give full meaning to it.

And the struggle to make this principle applicable to all Americans has been a long and a hard one. So the question which confronts us today is but another episode in this battle for essential human freedom.

It is of interest to me that in this House this afternoon, two extreme and opposite viewpoints have met on common ground, although for different and opposite reasons.

The extreme liberals are against the Powell amendment as a matter of expediency. In this, they are running true to form since they seldom pay much attention to principle.

The extreme conservatives are against the Powell amendment for two reasons. Some of them are opposed to Federal aid for education in principle, but some of them are against the Powell amendment because they refuse to obey the supreme law of the land, because they do not believe in equality before God and the law.

Mr. Chairman, in my judgment, I stand with the middle group, the truly moderate group and the truly progressive group in this country.

We want the Federal Government to assist the States with respect to education because we think it essential to our national welfare. We believe that this can be done under the law.

We also believe that the moral question of equality under law cannot be avoided or sidetracked in the name of better educational facilities. In our view, it is far better to adhere to a right principle than it is to compromise on a basic moral issue.

A Federal law, designed to assist education, which circumvents the law of the land, would be a shameful blot upon us as a Nation.

Finally, it is important to remember that the Communist forces of the world will make a tremendous propaganda weapon out of a failure to support this amendment today.

The United States of America tells the world that it believes in the dignity of every human being regardless of race, color, or creed.

Today, we have an opportunity, as Members of Congress, to practically apply that great moral principle.

Since the vote on this amendment today will not be a matter of record, I feel it is necessary as a matter of intellectual honesty that I record my views so there shall be no doubt as to where I stand on this important question.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman I think I owe it to my constituents to state the problem before us as I see it. The bill under consideration is one to provide class rooms in areas where the schools are overcrowded. The National Government will provide funds on a matching basis with the States.

The President suggested that this be done early in the last session of Congress. He recognized that in many situations, due to no fault of the State or the school district, there was a shortage of class rooms.

As all of you know the Supreme Court in a divided opinion decided that segregation of persons because of race, color, national origin and so forth must stop. In other words there must be no segregation of persons in public schools.

Mr. POWELL, of New York, offered an amendment that there must be desegregation in those cases where segregation was practiced, as it was contrary to the decision of the Supreme Court when it decided that segregation was contrary to the Constitution.

It happens that in our State such a ruling would have no effect. In April of 1920 I became a resident of Stockton, California. At that time I learned that our State did not bar anyone from its classrooms. I took an interest in our educational facilities in Stockton and in fact was the chairman of a large group of people who revamped our educational system in the Stockton schools.

But what I want our people to know as well as other persons who may be interested in the problem we are considering is that when I arrived in Stockton no one was barred from entering the schools because of their race, color, national origin. It was interesting to me to visit schoolrooms, and to see that there were students who were of Chinese, Japanese, Portuguese, Negro origin, and so forth. They were in the same category as the white students. What interested me most was that these students had no inhibitions because of their ancestry or color. They entered into the school activities. It seemed that the Japanese were the best students as they always had members who were at or near the top in scholarship at commencement time. But there was no friction because of racial or color differences in the athletic activities. Stockton had fine football, and basketball teams and always there were nonwhite members and the athletes all got along well. In social functions the same situation prevailed. With that sort of a situation in our schools, we do not need any help such as offered by the Powell amendment.

What his amendment sought to do, as an academic matter, we had been doing for decades. Surely we do not need the Federal Government to tell us how to run our schools to avoid segregation because we have been doing it to my knowledge for 36 years.

The President himself, who is very anxious to give aid to provide for the needed classrooms, hinted that the suggestion of Mr. POWELL might confuse matters because it was irrelevant to the issue before us, namely, to provide more classrooms.

Certainly my constituents would not want to jeopardize the possibility of obtaining some classroom with Federal help, just because Mr. POWELL insisted upon his amendment to declare against segregation, when we had been doing exactly that.

With the continual tide of immigrants coming into California we are in dire

need of classrooms. Governor Warren used to say each Monday that "I must have 91 more classrooms now to take care of the children who came into California with their parents last week and who intend to make California their permanent home."

The Supreme Court did not ask for any haste to have its decree carried out. It indicated by waiting a year that time to make the change was necessary and perhaps desirable to bring the real results which the decision contemplated.

I feel I must exert every effort to get help that will bring the classrooms which our congressional district will need. Several years ago I joined with Mr. BAILEY, of West Virginia, and was successful in getting \$145,000 for one of our needy schools. We need help for some of our school districts whose taxing power is small. I have no prejudice against anyone because of their race, color, and so forth, and never will have.

I command and go along with WILLIAM DAWSON, a Negro who was born in the South and knows the hard row they had to get any education. But he stated that the amendment of Mr. POWELL was a fine academic maneuver which sounded wonderful but would perhaps wreck the problem of getting the classrooms that our children need badly.

CHET HOLIFIELD, of California, a very progressive Congressman with whom I have served many years, also took the same viewpoint. He said he was not going to jeopardize the fate of this bill, which California needs so badly, simply to announce to the world that he believed that the Supreme Court's decision should be followed. It was a mere academic move that he believed might deprive our children in his and my district of some needed classrooms.

The action of Mr. POWELL may prove to be the straw that broke the camel's back and may result in the derailing of the efforts of President Eisenhower to furnish needed classrooms for thousands of fine young students who will be voters in a few years.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. BARRETT].

Mr. BARRETT. Mr. Chairman, the bill we now have under consideration—the Federal aid to school construction bill—is, in my personal opinion, one of the most vital pieces of legislation considered by the Congress thus far this year.

The magnificent support the Congress has given to the history-making programs of national defense and highway construction is commendable. However, the bill before us today is one of equal importance because it is of more lasting value to the continued leadership and prosperity of our country.

The enactment of the Federal aid to school construction bill holds limitless possibilities, and if enacted into law would definitely insure our Nation's future. We all know the responsibility of providing adequate and more modern school facilities rests with us—the elected Representatives of the American people. We also know the increase in the number of schoolchildren has created an emergency shortage of classrooms, and a

majority of school superintendents throughout the land will prove this point with literally tons of evidence. In our city of Philadelphia we have been aware of crowded classrooms and substandard facilities for years, and I am sure this equally applies to other metropolitan areas all over the United States.

These facts require us to take immediate action, and if we can allocate billions for an improved highway system and more billions for national defense, we certainly should not hesitate to appropriate 400 million to aid our States with school construction. Super dual highways and more powerful defense weapons never can be considered more important to the Nation than the education of our youth. This country has attained its technical superiority and its state of well-being because we have a free education system. It is indeed a ridiculous picture when you think of thousands of the Nation's schoolchildren being transported over modern highways to outmoded, overcrowded schools. It just does not seem possible, does it?

Congress has a national responsibility to help the States and localities to build much needed classrooms to relieve a problem which directly concerns this Nation's welfare. We in all honesty cannot neglect this responsibility because our Government is dependent upon an educated, well-informed citizenry. To neglect any of our young people is serious business. There are, for example, roads in this country that get more attention than many of our obsolete school buildings. We cannot afford to let this continue. Our schools and the education of our children must come first because these very same children are our country's first line of defense. Well-staffed, adequate schools are more important to the future of the free world than any number of stockpiled destructive weapons of warfare. A great deal more good can be derived from this investment of Federal money for school construction because it is an endowment for our future. Highways depreciate, defense weapons become obsolete rapidly, whereas a good school system increases in value with every dollar spent on its improvement because it is an investment in people based on our belief in the worth of each individual.

This bill before us today is designed to help the States and localities help themselves. The same reasoning was behind the highway construction bill. More money is needed for our schools because the shortage of classrooms is critical and has reached emergency proportions. There is a Federal responsibility to help the States meet the demand for more and greatly improved school facilities.

Congress has an additional responsibility to the children of this Nation and it can be fulfilled by amending the school construction bill to assure our schoolchildren, regardless of race, a truly equal education. This would uphold and support the law of the land.

In many areas where separate schools for Negroes and whites are maintained the opportunities are not equal and this is not fair.

In the North we have integrated schools and have found it works out quite naturally. Children accept one another as friends and playmates. They learn to work together and to cooperate in a democratic way. This is as it should be. We make a sham of democracy taught from a textbook, but not practiced in everyday living. We must learn to get along with our fellow Americans. We must practice the brotherhood idea. Only as we learn to know and understand one another, regardless of race, creed or color, can we hope to attain peace in the world. By our example and our intelligent approach to this social unbalance, we can do much to improve our human relations. For these reasons I give my wholehearted support to the amendment introduced by my friend and colleague, the honorable ADAM CLAYTON POWELL, JR.

Mr. CHAIRMAN, allocating these funds is definitely a sound and wise investment of Federal money and the dividends will be the greatest ever paid. Perhaps not in a monetary sense, but we can look with pride in the future at our educated young citizens.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, I think the vote on this issue taxes the maturity and responsibility of this House perhaps more than any issue that has come before us since I entered the Congress a year and a half ago. I say that because I think it is an issue which, from the arguments we have heard here, is very finely balanced. I think the most important thing, as we vote here in a few moments, is that we do not get the idea as some Members have attempted to suggest, that this is a simple issue, that it is, for instance, a civil-rights issue and nothing more or less. It would be strange indeed if we were to find Mr. Eisenhower, Adlai Stevenson, Dick BOLLING, our colleague, and Mr. Truman had suddenly run out on equal rights.

I happen to think that there are other broad issues that make this a very complex question. I come down on the side of opposition to the Powell amendment, with all due respect to some of my friends who have argued for it, simply because I happen to believe that the country will be better off and the cause of integration much further ahead if we have a school bill than if we do not.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. BOYLE].

Mr. BOYLE. Mr. Chairman, I rise in support of the Powell amendment. I do it with reluctance after having heard that wonderful statement of position by my colleague, WILLIAM DAWSON, who I honestly believe is the real leader of the 15 million colored people in the United States. I feel that much of the talk that has been leveled here today on the proposition that this amendment will defeat the legislation is purely academic. I have been told personally, privately, by a couple of Members on the other side that they will introduce a similar amendment. Therefore, it is not necessary for us to be alarmed at the "alleged fate" of

the bill which we pass today when it comes before the Senate.

Appreciating that real progress has been made in implementing the Supreme Court's ruling on segregation it is one thing to tolerate the existing segregated schools for a while longer; it is another thing to expand the system by helping to build more segregated schools with funds collected from taxpayers all over the country to many of whom the building of segregated schools is repugnant. Gradualism can no longer be tolerated as a synonym for the adamant preservation of the status quo. While 11 States have taken action to abandon segregation, 6—Alabama, Florida, Louisiana, Georgia, Mississippi, South Carolina—have indicated that they will fight desegregation to the bitter end. Many of the remarks made right here on the floor of the House during the past few days indicate that some States have no intention whatsoever of abandoning the theory of segregation. Federal funds—unless conditioned—would help them resist longer and more effectively. It becomes apparent we must go on record as indicating it to be the consensus and the legislative intent that no district or State in disagreement with the existing law of the land is entitled to school-construction money.

From the figures presented to this Congress the State of Illinois will be paying more into this program of school construction than it will receive back from it. However, because of the national need for this school construction I am for the bill. The lack of adequate school housing is apparent to every interested American, and the situation gets worse even as we sit here pondering the question of whether or not to alleviate it. It was estimated that, during the school year just completed, 900,000 pupils were deprived of their chance for a full-time education because of lack of space in the schools. But if we are going to appropriate this money for needed school construction we should do it under conditions and circumstances that will treat each and every schoolchild as free and equal. The people of Chicago and of Illinois want it that way. To say that because a certain school pupil's skin is the wrong color is a serious indictment and one that should not be able to be made in the United States. These outrageous discriminatory actions occur daily in this country, at the same time that we continue to preach opportunity and democracy to the rest of the world.

We to whom the doors of opportunity open easily tend to forget or deliberately to ignore the unpleasant fact that to other capable, desiring individuals these self-same doors are closed. Accustomed to white faces around us, we fail to notice the absence of black ones. We cannot grasp what it would mean to have whole areas of life walled off from us because of the color of our skins. To wall persons off because of the color of their skin is not democracy, it is not American.

The experiences in Oklahoma, the District of Columbia, and elsewhere have shown that integrated schools are more economical to operate. In many cases it would be less expensive to build one in-

tegrated school—or to combine children in an existing one—than to construct a new smaller school to be attended only by colored children or by white children who may have to be transported over long distances. I cannot reconcile the granting of Federal funds to build segregated schools under the theory that the other body will defeat this much needed legislation.

Mr. DIGGS. Mr. Chairman, I fervently hope that those individuals and organizations whose previous record and temperament reflect an affirmative attitude toward equal rights for all have thoroughly digested the excellent analysis of the Powell amendment by its author contained in the CONGRESSIONAL RECORD for Friday, June 29. In my opinion, no reasonable nor prudent person can now maintain a negative position on this amendment. The popular conception that, contrary to the appropriate Supreme Court decisions, this proposal would interfere with timing for enforcement of its edict is completely exploded when we consider it provides that said funds be held in escrow, pending compliance, for the life of the bill, approximately 5 years. Certainly no fairminded person can say 5 years is inconsistent with the terms of the aforementioned decision if the school districts concerned act in good faith. How much time do they want? Ten years? Fifteen years? Twenty years? An indeterminate period forecast by their failure to comply with the separate-but-equal doctrine which they ignored for years? And what of all the acts of circumvention and actual rebellion which have already been initiated and threatened by these recalcitrant States? I challenge anyone in or outside of Congress to come forth with a better method of enforcing the Supreme Court decision than the one sponsored by the gentleman from New York.

The most tragic aspect of this controversy has been the retreat of the liberals from the principle of equal rights, because they fear the consequences regarding the entire bill in the other body. This is their sole significant argument. Not only does such a position disregard the passage of other legislation incorporating antisegregation amendments, but it would be patently presumptuous for the House to withhold expressing its will in anticipation of adverse action in the other body. The traditional method of resolving differences on any given legislation has been and always will be in a conference committee. And, if the alliance of northern Democrats and Republicans continues to operate, the minority viewpoint, no matter how adamant, can be overcome.

In conclusion, permit me to pass on to you my observations during the past 2 years of traveling and speaking to individuals and huge audiences all over this country. It is the nearly unanimous opinion of Negroes, in concert with right-thinking people of other groups, that the wages of segregation is dismal inequality, that the Powell amendment as presently constructed is absolutely necessary. No one holds in higher esteem than I the distinguished gentleman from Illinois [Mr. DAWSON]. My personal admiration

for him is exceeded only by the tremendous courage of his convictions manifested today in opposition to the Powell amendment. I know all of us realize what a painful and distasteful task it must have been. However, I am certain he, himself, will tell you that he is not opposed to it in principle and that he speaks strictly as an individual and not as a representative of the 16 million Negro people in the United States and other interested groups; nor as an official of the Democratic Party. Therefore, those who see in his remarks, since he is a prominent figure and a Negro, protection for their own negative position on this issue will not find themselves immunized against the wrath of those affected and concerned.

The CHAIRMAN. The Chair recognizes the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman, I support the Powell amendment, and do so with absolute conviction that whether or not it is adopted, the same issue will be raised when the school-construction bill goes to the other body. Civil rights and segregation are issues which must be faced by Congress.

If the Powell amendment is defeated—and it surely will not be defeated here today—an amendment similar to it will be introduced in the Senate. No one can bypass the Senate and the risk of a filibuster there. The issue must be faced and on this particular bill. So let us vote on the issue now.

The gentleman from Illinois [Mr. DAWSON] speaks against the amendment out of his long experience, but I submit neither the gentleman from Illinois [Mr. DAWSON] nor any Member of this House has had an opportunity to vote on civil rights during the past 4 years nor to vote on the issue of segregation since the Supreme Court's decision against segregated schools.

When I ran for office in 1954, I stated my position on human dignity and justice.

Since then I have worked hard toward a solution of this unfortunate problem. I realize progress must be slow, but if we compromise today it will delay that progress for years to come.

We cannot avoid the issue. This legislation does not compel; it offers an incentive to comply with the law.

Each of us has sworn to uphold the Constitution. In that respect, I am going to vote for the Powell amendment, and soon, too, I hope to have an opportunity to support a bill containing a civil-rights program.

After that I can go home and lock my constituents in the eye and stand up truthfully and say I did my utmost for those I represent in conformity with my stand before the last election.

I urge your support of the Powell amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. MACHROWICZ].

Mr. MACHROWICZ. Mr. Chairman, someone said a few days ago to me that those who support the Powell amendment can be classified in two categories, those who honestly believe in civil rights and are opposed to discrimination, and

secondly, those who want to see the school construction bill defeated.

May I say for myself, Mr. Chairman, that I wish to classify myself as one of those who support the Powell amendment, because I honestly believe in the principles upon which it is based.

I do not believe there will be any Member of this House who will support the Powell amendment and then vote against the school construction bill, because he will not be showing good faith if he does it.

I have the highest respect for the gentleman from Illinois [Mr. DAWSON]. While I do not agree with him in this instance, I think it is very unfair to criticize him for the statements he has so honestly expressed. May I call the attention of the gentleman who expressed them to the fact that we would not be placed in a position today of having to vote on this amendment if the President of the United States and the Attorney General had made a statement that the Powell amendment would not be necessary and the bill will be properly administered as the Supreme Court has ordered.

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. METCALF].

Mr. METCALF. Mr. Chairman, during the course of this debate, and it has been moving and eloquent, I want to say I agree that the Powell amendment will kill the bill. I also want to say I find, after extensive study of the Supreme Court decision, that in principle, under the Constitution, and to maintain the dignity of the Supreme Court, we should vote against the Powell amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise today in support of the Powell amendment, and urge that the House adopt it.

In the first place, the amendment is not really necessary, if the administration faces up to its constitutional responsibility and accepts its full constitutional authority. In his oath of office, the President swears to uphold and defend the Constitution and laws of the United States. The Constitution has recently been interpreted by the Supreme Court to preclude the old, now rejected, concept of separate but equal doctrine which was once used by the States. It is accordingly the duty of the President to squarely face his obligation and to use the full power of his office to see to it that the provisions of the Constitution of these United States are fully and adequately protected and carried out.

I urged the President as early as February 1956 to declare that the funds authorized and appropriated under this bill would not be spent to maintain schools operated in open defiance of the clear and unambiguous ruling of the Supreme Court in the school cases. The replies to my letters have been full of fine-sounding phrases, but vague and nebulous, consuming much paper and time, but saying nothing.

The same inquiries have been made by numerous Members of this Congress and others interested in these problems, and

the replies have been equally as unsatisfactory and evasive.

The fact is, the President has authority under the Constitution to withhold funds appropriated at any time he so desires and for any reason he desires. He is doing it today. In fact, he sent the Secretary of Defense up here on the Hill yesterday to tell us in Congress that he is not going to expend the extra money appropriated by the Congress for B-52 bombers for the protection of our beloved country. The President recently withheld the expenditure of some millions of dollars authorized and appropriated for two dams in the Southwest, the Dardenelle and Eufaula Dams, to the great injury of the citizens of the area. I am sure my colleagues are aware of this and similar situations which show this presidential authority.

The executive has the power to exercise, when it so desires, but to its shame has never done so where these basic fundamental rights of our citizens are at stake.

Now, let us analyze the facts showing need for this amendment.

We took the same oath to uphold and defend the Constitution as did the President. We are dutybound to see to it that the Supreme Court's ruling in the so-called school cases are carried out, regardless of the bitterness and ill feeling it may cause.

We must decide now that we are a nation of laws and not of men, and that we will be ruled by law, decency, and good conscience, and not by whim, ill will, and bitterness.

I repeat that if the President faced his boldly outlined responsibility as he should, and if he carried out the oath in which he has sworn to uphold and defend the Constitution and laws of the United States, then this amendment would not be necessary, and I am sure that my colleague from New York would not have offered it.

But the situation is strikingly to the contrary. Untold hundreds of thousands of dollars of Federal funds, from all parts of the country, are being expended right now to support segregated schools. As early as last March 26 I offered concrete recommendations on civil-rights action and demanded on the floor of this House that this situation where Federal funds are spent to subvert the Constitution cease. Others of my colleagues here have raised similar demands, but none have been heard, and money raised by Federal taxes under Public Laws 874 and 851 is still being used to maintain segregated schools and is being poured into States where the officials and legislatures are announcing officially that the mandate of the Supreme Court will not be followed, and even boldly enacting laws to effect such circumvention.

Now let us analyze further the help which has been forthcoming from the White House in this fight, and let us use the testimony of Mr. Herbert Brownell, the Attorney General of the United States, in a colloquy with a distinguished colleague of ours in the other Chamber, Senator HENNING, of Missouri, as re-

ported in a recent column by Drew Pearson:

"You have come up with no program during your 4 years, until last month, I believe, April 1," Senator HENNING challenged.

"Let me say that might lead to a very misleading answer," Brownell countered. "I know you don't mean to do so."

He then detailed various civil rights projects he said he had worked on, from restaurant segregation to discrimination in Armed Forces contracts.

But HENNING was quick to point out:

"You know these were initiated in the preceding administration."

"A great many of them, yes," Brownell admitted.

HENNING: We welcome your suggestion that there be a commission on civil rights in the Department of Justice. At my request on March 22, 1955, this letter was addressed to you.

(He then read a letter to Brownell, 1 year old, asking his views on four bills proposing a commission on civil rights in the executive branch of the Government.)

HENNING: There was no reply in our records of the subcommittee, no reply from you whatever over a year ago relating to the establishment of a commission or a division. We have no record of your ever having replied to that request.

Brownell: I discussed the matter with the then chairman of the committee. He was unable to get together on a hearing on the subject. You are undoubtedly correct that there is nothing in writing in answer to that.

HENNING: Did you want to testify on the subject?

Brownell: If a hearing could have been arranged, I would have been glad to.

HENNING: But you did not thereafter request that a hearing be held?

Brownell: I discussed it with the then chairman of the committee.

HENNING: That would be Senator KILGORE. I don't recall that you ever discussed it with me.

Brownell: I don't recall that I did.

HENNING: These bills are lodged in the subcommittee of which I happen to be chairman.

Now, then, Mr. Attorney General, on July 27, 1955, some 9 months ago, a letter was addressed to you as follows:

(He then read a request to the Justice Department for Brownell's views on Senate bill 903 which would protect the Negro's rights to vote. In reply, HENNING read a letter, September 8, 1955, from Deputy Attorney General William Rogers stating that Brownell had no opinion on this important subject.) "Whether this should be enacted constitutes a question of policy concerning which the Department of Justice prefers to make no recommendation," Rogers wrote.

"So, at that time," HENNING asked the Attorney General, "the Department of Justice had no recommendation?"

Brownell couldn't dispute the facts. He simply said nothing.

HENNING: Now then, pursuant to the letter on March 22, at that time, on the matter of the so-called right-to-vote provision, and on the so-called S. 907, as long ago as March 22, over a year and some months or so past, there has been at that time, until April 1, no expression from the Department of Justice upon any of this legislation. Had there, Mr. Brownell?

Brownell: I think, Senator, that letter that you read is right. I think no hearings were held, however, by the committee at which we had a chance to give oral testimony.

HENNING: I am speaking now of the letters that were written to you asking for your advice and guidance.

Brownell: As far as I know, those are the only letters on those subjects.

On and on continued Senator HENNING with an amazing array of documented facts

showing how the Attorney General had ducked the all-important question of civil rights while simultaneously claiming the administration was championing civil rights.

Summarized briefly, the salient points of that testimony by the chief law enforcement officer of the United States is that:

First. No action or leadership was taken by the present administration in the field of civil rights legislation until April 1 of this year. By that time we were in Congress, speaking of my distinguished colleague from California [Mr. ROOSEVELT], and I and the distinguished gentleman from New York, the author of this amendment, and many others had even gone so far as to not only introduce legislation, but to prepare the plan for pushing such legislation through the House of Representatives. The administration came in on April 1, 1956, and in effect took advantage of something already going on, and we might say climbed upon the bandwagon, once others had gotten it rolling.

Second. That the administration has actually ducked all action on the subject of civil rights until 1956, an election year.

Third. That the administration is actually claiming as its sole accomplishment in the field of civil rights those things which have been either started or actually accomplished by earlier Democratic administrations.

Fourth. That the present administration has even ducked its responsibility to answer letters not only from a Member of the Senate, but from the chairman of the Senate committee which was actually considering the problem of civil rights and attempting to secure the help and guidance of the administration.

Even my friend, Roy Wilkins, of the NAACP is quoted recently in the papers as having said that the administration is dragging its feet in this battle for equality, and I agree. The fact is that the administration is too interested in political considerations to help in this struggle, and we in Congress must do the job alone.

It is equally a fact that almost the whole of the administration's civil rights program could be handled by an Executive order, but instead the matter was sent to us up here on the Hill to fight over, in what appears to be a shrewd political maneuver.

I have heard it said that this amendment will kill the bill. With those statements I do not agree. The fact is that those who would oppose the principle of Federal aid to education would oppose the bill whether the Powell amendment is included or not. There are practically none who would oppose the bill solely because of the presence of the so-called Powell amendment. It is, however, a fact that many who oppose the bill will vote to adopt the Powell amendment, in the hope that it will kill the bill. For that I will thank them, regardless of their motive.

The reason why this amendment must be included in this bill is simple: The President is ducking his constitutional duty; we cannot, and I hope, will not. I urge adoption of the amendment, and adoption of the bill.

Mr. Chairman, I am going to yield to my distinguished colleague, the gentleman from Illinois [Mr. DAWSON] who previously asked me to yield to him.

Mr. DAWSON of Illinois. Mr. Chairman, I only accept this out of courtesy to the gentleman who offered it because I do believe I have a minute and a half in my own right on this matter since I spoke before on the motion to strike out the enacting clause. I do appreciate his offering this time to me, and if I have time in my own minute and one-half I will have something to say at that time.

The CHAIRMAN. If the gentleman wishes to use his time now, the Chair will recognize him since the time of the gentleman from Michigan has expired.

Mr. DAWSON of Illinois. Mr. Chairman, if I believed that this school bill would pass this Congress with this amendment in it I would be for it. But in my own experience, knowing and realizing what education means to people, I can never do anything that I conscientiously believe will deprive any child of an education. Even if an individual tried to keep my child from getting an education, I would still want his child to get an education because education is necessary in order that a human being might reach his highest stature.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. VANIK].

Mr. YATES. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, I shall support the Powell amendment because I believe in the decision of the United States Supreme Court in the school cases. The Supreme Court's order required desegregation in the public schools "with all deliberate speed." The Powell amendment adopts that principle. It does not require immediate desegregation in contravention to the declaration of the Supreme Court.

I very much favor passage of this bill. Those of us who favor the bill are told that we must vote against the Powell amendment if we want this bill to be passed. We are warned of the threat of a Senate filibuster by Senators from Southern States to prevent the bill's passage with the Powell amendment in it. This may or may not be true. The Supreme Court has spoken, outlawing segregation and its decision is the law of the land. Representatives from States which criticize the Supreme Court decision cannot by such criticism or by a filibuster undo the Court's opinion. It will continue to be the law of the land, whether this bill is passed or not. The Powell amendment gives me the opportunity as a Member of Congress to affirm the decision by the Supreme Court that segregation shall be plucked out of the fabric of our social structure as promptly as possible and for that reason deserves my support.

I consider the need for implementing the education of our children with Federal assistance of prime importance. I consider the elimination of various ele-

ments denoting second-class citizenship, of equal if not of greater importance. It is essential that we free our Nation from this relic of internal colonialism as promptly as we can. The place to begin is with our children in public schools. The argument of expediency in order to obtain passage of this bill is not an attractive one. I am not convinced that inclusion of the Powell amendment will touch off a Senate filibuster any more than will the bill without it. Friends of mine in this body who are from the South have told me that they are voting against the bill with or without the Powell amendment. They say there is involved here a question of States rights and that the Powell amendment is only ancillary to that question.

Furthermore, what the Senate will or will not do to the school bill cannot be predicted with certainty, nor can we act in fear of what a few Senators may or may not do. Defiance of the Supreme Court, defiance of the Constitution, cannot be condoned.

Mr. Chairman, there are so many imponderables that are advanced in opposition to the Powell amendment that one can only weigh them to the best of his ability and vote in accordance with his conscience. The story is told of the time a Boston minister visited Abraham Lincoln early in the Civil War. "Let us pray, Mr. President," he declared solemnly, "that in this conflict the Lord is on our side."

Lincoln paused a moment and said: "Reverend, I'm not concerned about the question whether the Lord is on our side. I know the Lord is always on the side of the right. But it is my fervent prayer that we may be found on the Lord's side."

I shall vote for the Powell amendment. I believe that in doing so, I shall be found on the Lord's side.

Mr. VANIK. Mr. Chairman, I ask unanimous consent that all Members who desire to do so may extend their remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mrs. GRIFFITHS. Mr. Chairman, I rise in opposition to the amendment. The amendment is punitive in nature and without regard for the dire necessity for schools in this country. This country can afford to wait no longer for schools. If the amendment were to jeopardize the passage of this bill, it would have done a great disservice to all children in every State. I urge that the amendment be defeated and that the bill be passed.

Mr. TAYLOR. Mr. Chairman, in my opinion the Powell amendment should be adopted. The issue is fundamental. We cannot avoid our responsibility. I urge my colleagues to stand up and be counted on this vital legislation.

Mr. LATHAM. Mr. Chairman, I take this opportunity to say that it is my belief that the Powell amendment should be adopted. This amendment involves a principle so fundamental, so basic that we would be derelict in our duty not to give it our wholehearted support.

Mr. BOSCH. Mr. Chairman, I have previously given my views with respect to the Powell amendment now under con-

sideration in the additional views made a part of the committee report on H. R. 7535. It is my opinion that now is the time to stand up and be counted on this admittedly moral issue. If our Constitution means anything we must vote our conviction. It is for this reason that I rise in support of the Powell amendment.

Mr. DAVIDSON. Mr. Chairman, we have before us for consideration at this moment one of the great domestic issues of the day. As legislators, each of us holds the power at this very instant to mold for the future the educational development and opportunities of our Nation's children. If we desire to safeguard their future and to prepare them to lead useful and meaningful lives, we must provide them with the best education possible.

The failure of our country's school systems to keep pace with the increase in the number of schoolchildren has led this legislative body to consider a bill, H. R. 7535, to provide Federal aid to education. Innumerable studies have been made showing the need for classrooms; these studies have been made not only by congressional committees, but also by independent educational groups. There is not the smallest area of doubt that a shortage exists. This bill is must legislation.

The bill now before us does not involve any startling principles of Federal assistance. In its broadest outlines, the measure provides for payments to State educational agencies, for assistance on a grant basis to communities where this type of assistance can be most effectively utilized, as determined under priorities established by the particular State; in addition, this legislation provides for the purchase of bonds issued by communities which are capable of financing their own school construction, but which cannot obtain such financing from other sources on reasonable terms; and finally, the bill provides for credit assistance to State school financing agencies, to provide schools and related facilities in States in which such agencies are created.

I wish to say at this point, Mr. Chairman, that I have always supported the principle of Federal aid to education. I shall continue to urge the adoption of legislation which will give to our Nation's children the educational opportunities and facilities which will afford them the possibility of giving to the Nation their skills, their talents, and their energies, for these are the basic ingredients of good citizenship.

My colleague [Mr. POWELL] has offered an amendment to this bill which we shall be asked to vote on shortly. I am in full agreement with his proposal and I wholeheartedly endorse it, for it also embodies one of the most important domestic issues of our time, the question of the equality of our citizens under the established law of the land.

What does this amendment do? It provides, first, that if a State wishes to accept the benefits of this bill, it must submit a plan to the Commissioner of Education which provides, in addition to the requirements stated in H. R. 7535 at section 103 (a), subsections (1)-(7),

that the schools of the State are open to all children without regard to race, but that if the State plan does not so provide, payments may still be made to those counties or other political subdivisions of the State which are operating their schools in conformity with the decisions of the Supreme Court. In addition, the amendment provides that if a State is not entitled to funds because of the additional requirements of the amendment, such money shall be held for payment to such State at the time of its compliance, if that occurs within 3 years from the date of the enactment of this measure.

The only question that now needs to be raised and answered is why this amendment is entitled to the unqualified support of this House. We have been sent to Washington to legislate. In the performance of that duty, we have, each of us, taken an oath of office in which we have sworn to uphold the Constitution of the United States. The amendment proposed and offered by my colleague [Mr. POWELL] conforms to the requirements of the Constitution as pronounced by the Supreme Court in the Brown case. In addition, it conforms to the basic philosophy of democracy and is in consonance with the American creed that there is no such thing, under our law, as second-class citizenship. Unless this amendment is adopted, we, the duly elected Representatives of the people, will have passed a bill which may prolong the open defiance, by some States and by some political subdivisions thereof, of the requirements of the Constitution.

There are those in this Chamber and elsewhere who have stated publicly that they agree with the principle of the Powell amendment, but that its adoption by the House will jeopardize the education bill and endanger its passage. Mr. Chairman, I cannot and will not cast my vote on such a basis. I will not, under any circumstance, allow myself to compromise principle for expediency; and this is a matter of principle.

As I have stated earlier, I am completely and wholeheartedly in favor of Federal aid to education, but I am equally committed to the proposition that the basic requirements of democracy must underlie and support the legislation which we enact. We will, before adjournment, appropriate billions of dollars for a foreign-aid program designed to help strengthen our friends throughout the world against the cancer of communism. Committees of this House work unceasingly to assure that those dollars will be spent to aid in selling the story of democracy. A rejection of this amendment is a subversion of the work that we seek to do throughout the world, for it supplies our enemies with the ammunition to show that we do not do for our own people what we expect and ask others to do for their own.

Mr. Chairman, I sincerely hope that the amendment will be adopted by an overwhelming majority of this House. Should it fail, I shall vote for the bill and hope that the courts will be able to put an end to disrespect for and non-compliance with the law of the land.

That will be a long and a hard course, and one which we have the power to ease at this very moment.

The question before the House is on the passage of the amendment. My vote will be for its adoption and against giving any sanction to reaction and bigotry.

I urge my colleagues to vote in the same fashion.

Mr. MADDEN. Mr. Chairman, when this legislation was considered by the House last week on the adoption of the rule, I spoke at length on the necessity for its enactment.

I shall not repeat today the reasons why aid for school construction is so necessary in critical areas throughout the country.

This amendment offered by our colleague from New York [Mr. POWELL] merely resets out the necessity of following the Supreme Court decision on human equality under the Constitution.

I am for the Powell amendment and will vote for its adoption.

I firmly believe that if President Eisenhower through his Attorney General assured the Congress that the executive department would carry out the Supreme Court decision on segregation and apply it to the administration of this school construction legislation, the Powell amendment would be unnecessary and possibly would not have been offered.

Mr. O'HARA of Illinois. Mr. Chairman, in supporting the Powell amendment I am abiding by the rule that has guided my entire life. Prejudice and discrimination are poisons that destroy men and nations. Whenever in a long and active life opportunity has been given me to combat their evil influence, I have responded. I have seen at different times prejudice and discrimination visited on persons of various nationalities and religions, and in the great American melting pot I have seen how hostility has changed to neighborly cordiality when knowing men and women for what they were in character and in worth washed away the prejudices. I have seen many changes, and all, I feel, have been leading upward and onward to a higher plateau of understanding and brotherhood. Man cannot attain the full measure of contentment and his potentiality for spiritual growth until from his mind has been cleansed the corroding taints of prejudice and discrimination. Nations cannot meet the call to their destinies as servitors of mankind until in the laws, the practices, and the thinking of the people is reflected the finest concepts of religion and of government truly based upon the equality in dignity of all the people. This I believe. For the dissemination of this truth the schools of a free democracy should be dedicated. For such purpose has education its noblest mission.

When the passions of the moment have subsided, and in experience the fears that always attend the change from one order to another have been proved groundless, the American people will be found, as always they have been, people of good hearts and good will working together for the common good. Let us march forward unafraid.

Mr. VANIK. Mr. Chairman, although the State of Ohio will receive \$6.5 million

less in the form of school aid than it will contribute annually to the School Construction Fund and although the community which I represent will probably receive nothing under the terms of this bill, I will nevertheless support this important legislation. The test of soundness in the proposal is more than the return of tax dollars to the community. The test of soundness is the national good.

During World War II and the Korean war numerous numbers of young people, particularly from the backward States, were rejected for military service because of illiteracy. Today we are coping with the burden of 2,500,000 illiterates unfit even to undertake the basic responsibility of national defense. The inadequacy of this group to serve in the national defense imposed a more serious drain upon the young men and women of the better trained areas. In a sense, the young men and women of better trained areas were penalized in the draft for their more adequate training and education.

If the base of our educational standards are lifted, the entire Nation is strengthened both in peaceful productive ability and in the national security. Modern living conditions demand a community of educated, trained citizenry. Funds spent to raise national minimum standards of education are funds invested. The return in better citizenship, increased productivity and lower welfare costs resulting from more stable family life throughout the Nation is many, many times more than the initial investment in school construction.

It is also my intention to support the Powell amendment to compel integration of the schools. At one time, some months ago, I believed the Powell amendment was unnecessary and that its adoption would defeat this important program. However, the heated, bitter words I have heard in and out of Congress in opposition to desegregation and in support of the so-called doctrine of interposition convince me that without the Powell amendment segregated schools would be built and the mandate of the Supreme Court would be shunted aside. Alabama, Georgia, Mississippi, South Carolina, and Virginia have served notice of their intent to resist desegregation. It is these very States that stand to gain the most dollarwise through this legislation.

In view of the Supreme Court edict of May 17, 1954, and in the name of human decency, this Nation should not permit a single new segregated public schoolhouse to be built. The Powell amendment is absolutely essential at this time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GREEN] is recognized.

Mr. GREEN of Pennsylvania. Mr. Chairman, I think that it is no problem at all to come before the House with wholehearted support for the Powell amendment, taking the consistent position I have always taken since I became a Member of this House. But it has disturbed me a great deal to see so many of our friends support an entirely different position today.

This is not a political problem with me. I have a district that has a population of close to 450,000 people, and out of the 450,000 a very small percentage, less than 2 percent, are Negroes. I think the issue here today is not the education bill; it is a question of discrimination and I am in wholehearted support of the Powell amendment.

The CHAIRMAN. The gentlewoman from Oregon [Mrs. GREEN] is recognized.

Mrs. GREEN of Oregon. Mr. Chairman, we are today working to try to provide for a decent education for our children. The sheer size of this bill indicates how seriously we value the importance of education.

But what do we really mean by "aid to education?" If we reject this amendment, that will have an important effect on our children's education. It will teach them that we are willing to sacrifice clear and compelling moral principles.

In some parts of this great democracy the 6-year-olds and the 10-year-olds will be learning a very bitter lesson—that in our democracy not all men are equal; that not all Americans have the full rights of Americans. They will know by experience and the whole world will know by our decision that in the United States of America we believe in "freedom, equality, the dignity and rights of every individual" for some Americans but not for all Americans. These are human beings, the children whom we say we want to educate. Is this what we want to teach them?

I want this school bill to pass more than any single piece of legislation on which I have had the privilege to vote since I have been a Member in this House, but I cannot buy buildings at the price of what I believe is right. I cannot trade the rights of children to get buildings. Those children's rights are not my property to trade. I must and will vote for the Powell amendment.

The CHAIRMAN. The gentleman from California [Mr. HOLIFIELD], is recognized.

Mr. HOLIFIELD. Mr. Chairman, the Supreme Court has made a decision. I happen to believe that that decision is right. I wait for the implementation of that decision as all good Americans should wait for the implementation of decisions of the Supreme Court.

Today I stand behind the gentleman from Illinois [Mr. DAWSON]. He showed true courage today in keeping his eye on the ball. That ball is to get \$400 million of Federal funds to educate the children in the needy schools of America.

For 14 years my position on civil rights has been known and I will make it known again when that issue is up for consideration. But today we face the opportunity of giving help to the school children of America, and I intend to vote against the Powell amendment. I intend to vote for this bill even if it is the only way we can get the bill. I want to help the school children of America.

The CHAIRMAN. The gentleman from California [Mr. BALDWIN] is recognized.

Mr. BALDWIN. Mr. Chairman, I rise in support of the Powell amendment.

It seems to me there is a matter of principle to be faced in this amendment that we cannot dodge. Every State including my own State is going to contribute funds for this purpose. In the case of my own State we will contribute more funds under this bill than we will receive and that means that part of the funds will be going for schoolrooms in other parts of the Union. That means part of our funds will be going for school construction in other parts of the Union. We have an obligation to the taxpayers we represent to see that the burden we place upon those taxpayers in the way of funds provided under this bill shall be used in accordance with the law of the land and the Supreme Court decisions of the land. I feel with that limitation it is necessary, proper and right to support the Powell amendment to see that these funds are not used to construct schools which will be operated in violation of a Supreme Court decision.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. PRIEST].

Mr. PRIEST. Mr. Chairman, I am rather certain that every Member of the House knows how he or she intends to vote on this amendment. The House of Representatives in all its history has faced many tests. I believe we face a supreme test today, a test that will determine whether we shall inject into an education bill an issue which rightly should not be there.

I share fully the opinion of the distinguished gentleman from Alabama [Mr. ELLIOTT] when he said this bill was brought to us as a non-Federal control bill. If the Powell amendment is adopted, it becomes a Federal control bill, there is not any question about that.

The Supreme Court did not tell the Congress of the United States to implement its decision. I think we must look today beyond the walls of this chamber, out across the country where there is a shortage or will be within 2 more years of nearly a half million classrooms that should be built for the children of this country, all the children of this country.

Mr. Chairman, I plead with the Committee of the Whole to defeat the Powell amendment. It does not belong here, and its adoption, in my opinion will jeopardize, if not defeat, the passage of this legislation.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Chairman, I do not care to make any further remarks at this time.

The CHAIRMAN. All time has expired. The question is on the three amendments offered by the gentleman from New York [Mr. POWELL].

Messrs. MORANO and POWELL demanded tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BARDEN and Mr. POWELL.

The Committee divided; and the tellers reported that there were—ayes 164, noes 116.

So the amendments were agreed to.

Mr. BARDEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 7535) to authorize Federal assistance to the States and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms, had come to no resolution thereon.

AN UNJUST ACCUSATION

Mr. BOYLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BOYLE. Mr. Speaker, when a representative of a foreign land abuses and insults a large segment of American people it is high time that the American Government, through its State Department, levels with its responsibility and with the people who have been vilified and offended, declare that foreign individual persona non grata.

In a recent address at a normal university forum Mr. Farid Zeinddine, Syrian Ambassador to the United States, asserted as reported in the press:

The American Jew is not an American emotionally or even ultimately. A Zionist cannot have real allegiance to the country in which he lives.

Such deprecating remarks, casting aspersions on the patriotism and loyalty of members of our land who have contributed so much to it, and about whom there can be no question of their patriotism and loyalty, cannot be simply ignored and brushed off by the American Government. Mr. Zeinddine should be asked by the Department of State to apologize publicly to the Jewish people of our land whom he has so brazenly castigated. If Mr. Zeinddine should refuse to apologize or if in his apology he fails to recognize the true Americanism of the American Jew, Mr. Zeinddine should be declared by the Department of State a persona non grata and asked to leave our land. I am sure that Mr. John Foster Dulles does not permit members of the American Foreign Service to insult segments of the population of lands in which they are our representatives. There is no reason why we should permit a representative of a foreign land to insult our people. Mr. Zeinddine should be requested to explain satisfactorily his wild, far-sweeping, vicious falsehood.

In default of such a reply, Mr. Zeinddine's request for an early leave should be accelerated.

PENNSYLVANIA DUTCH FOLK FESTIVAL

Mr. RHODES of Pennsylvania. Mr. Speaker, I ask unanimous consent to