Mr. President:

The advocates of federal aid to schools have always assured that federal aid did not mean that federal control would follow. They have continually insisted that federal aid could be voted without danger of federal control. I am one of those who never been deluded by such assurances. As a practical matter, control inevitably follows the purse strings.

It is quite true that it is possible to pass a federal aid program that does not include any, or at most very little, federal control, in the aid bill. Even this is a possibility that is seldom realized in practicality. In most aid bills, the control is present, although quite often it is camouflaged by soothing language, and even sometimes accompanied by a specific denial of control, such as that included in the so-called National Defense Education Act of 1958.

The maxim that control follows the purse strings is not disproved, however, by the fact that an occasional federal aid bill passes without a specific assumption of federal control contained in the wording in the bill. The most control-free of aid bills invariably will be used as an entering wedge for federal control.

I am not speaking theoretically, Mr. President. I have in mind a very specific example. The provisions of Public Law 874 and Public Law 875, commonly referred to as aid to federally impacted areas, contain a minimum of federal control as originally passed. The aid in this instance was in response to a federal obligation to relieve conditions created by federal action.
Just as surely as the night follows the day, the proposals for federal control to accompany these programs were sure to follow. Such control proposals are now before the Congress, Mr. President. I refer to S. 959, which is now pending before the Labor and Public Welfare Committee of the Senate. An identical proposal is pending in the House of Representatives. From the time of the initiation of these programs, Mr. President, I realized that some measure of federal control of the schools assisted would be proposed. Quite frankly, I was not optimistic enough to believe that the degree of control proposed would be slight or even within the scope of reason. Nevertheless, the pending proposals go far beyond anything that had been expected by the most pessimistic of those of us who recognize that control always follows aid. Indeed, the proposals now pending go beyond control—these proposals are for outright confiscation of facilities under certain conditions.

There is another feature of these proposals which deserves comment. We hear overly much, these days, Mr. President, about "due process," particularly where efforts are made to protect the security of the country. No such concern is evidenced in the confiscation proposals embodied in S. 959. This bill specifies that whenever "the Commissioner (of Education) determines" that certain conditions precedent exist, he, the Commissioner of Education, would be entitled to obtain possession of the school.

In view of the extremism which exemplifies this bill, it is surprising that a rental is provided for, although this, too, is completely unrealistic. We have reached a new low when a locally owned school can be confiscated on the basis that the school has
received money from the funds for assistance to federally impacted areas. Insult is added to the injury by the fact that the Commissioner of Education would be given power, rather than the Court, to make the determinations necessary for confiscation. Are the proponents of this proposal the same persons who so often rise to the defense of the Warren Court and its preoccupation with due process?

The proposals contained in S. 959 may serve a useful purpose—provided, of course, that the bill is defeated, and I, for one, will oppose its passage with every means at my command. The very introduction of this measure, however, should, once and for all, dispell any doubt that may have existed in the minds of the naive, that federal aid to education can occur without danger of federal control. For this worthwhile objective to be accomplished, it is essential that maximum publicity be given to the proposal. Some publicity has been forthcoming, and it has prompted some very able editorial comment, among which is an editorial in THE STATE of Columbia, South Carolina, on July 8, 1959. I ask unanimous consent that this perceptive editorial, entitled "So-Called Civil Rights Bill Apex in Vindictiveness" be printed in the Record at this point in my remarks.

This bill also proves beyond question, Mr. President, that the overemphasis currently placed on "due process" where subversives are concerned, is a one-way street. In other words, the "traditional safeguards," emphasized by the Supreme Court as late as last week in demolishing the Industrial Security Program, are not available to those who seek to implement and exercise the constitutional right
of local communities to operate their schools as they deem best. The constitutional right of local citizens to manage their own schools, under the terms of S. 959 does not even merit a Court action, but is so insignificant that it can be handled by an ex-parte determination of the U. S. Commissioner of Education.

Sir Edward Coke once expressed the thought that the worse oppression is done by "colour of justice." Perhaps Lord Coke was fortunate, in that he did not live in a day when in the country that prides itself above all, on the guarantees of individual liberty, justice had indeed become a matter of color--applicable only to red and black.