

I have never run across this as a problem, perhaps even to the extent that Mr. Mattheis expressed it in this morning.

Mr. SCHERLE. As long as these funds are made available to the State board of public instruction, do you feel that children in parochial schools should be entitled to some of the benefits derived from the funds given by all taxpayers?

Dr. MATTHEIS. I think I would differentiate there, Mr. Congressman, by saying I would not feel and I think this could really get us into some very severe problems if we were to provide for from the general revenue of the State participation by the school districts.

I think this would not be possible. The law passed allowing the State department of education to implement the elementary and secondary education of 1965 specifically stated to implement it in accord with the Federal regulations, rules, and guidelines, and so on.

We are using this authority to provide it then for the participation of the nonpublic school students and teachers. I think it would be completely different if we were to use State funds for such programs.

Mr. SCHERLE. You do realize though in some States they do use State funds to bus children from their point of embarkation to a parochial school and this has been upheld by the Supreme Court.

Thank you, Mr. Chairman.

Chairman PERKINS. Mr. Carey.

Mr. CAREY. Thank you, Mr. Chairman.

I apologize for coming in late. I flew down from New York this morning and my plane was delayed. I hope on cursory reading I can get some help from the distinguished superintendent on his apprehension about title II. I have a special interest in title II, having been one of the early proponents of textbook loans to all children.

Can you be more specific about title II in your concern about the entanglement that you see in this title as you say on page 4? I frankly don't know what you are driving at.

Dr. MATTHEIS. I think it centers primarily around the word loan of these materials to children and teachers of nonpublic schools. In the actual administration and implementation of this title, I think there could be very easily some serious question raised as to whether in fact this is a loan or not.

Mr. CAREY. May I interrupt you at this point? Why do we have to deal in hypotheticals? We are dealing in realities here. This is a law. You say there could be. Is there any clear cut or even apprehended violation in your State right now?

Dr. MATTHEIS. I think, Mr. Congressman, without wanting to inquire into it too specifically I think there are a number of the school districts if not in fact many of them which are in effect making this a kind of permanent loan, whatever that phrase might be, versus loan which could indicate that it is going to be returned to the public school and then loaned again or some such thing.

Mr. CAREY. May I suggest to the distinguished superintendent that you take the time to read the hearings of this committee which are most extensive on this point when we had discussed with leading constitutional authorities on both sides: namely, those in favor of textbook loans and those who were opposed.

We spent a great deal of time and energy on spelling out some sort of a parameter that would guide us in this question of the duration