

THE WHITE HOUSE
WASHINGTON

ACTION

October 9, 1974

MEMORANDUM FOR: THE PRESIDENT
FROM: KEN COLE
SUBJECT: Marjorie Holt's Amendment to the
HEW Appropriation Bill

On Tuesday, October 1st, the House voted 220 to 169 to place the Holt Amendment on the HEW Supplemental Appropriation Bill.

The Holt Amendment provides:

"...none of these funds shall be used to compel any school system as a condition for receiving grants and other benefits from the appropriations above, to classify teachers or students by race, religion, sex, or national origin; assign teachers or students to schools, classes, or courses for reasons of race, religion, sex, or national origin; or prepare or maintain any records, files, reports, or statistics pertaining to the race, religion, sex, or national origin of teachers or students."

Mrs. Holt told the House her amendment was aimed at fighting "a new racism which operates in the guise of government policy, classifies individuals according to race and imposes racial quotas on institutions of many kinds. It is a hideous betrayal of the concept of individual liberty."

The allegations, put at their worst, are that HEW bureaucrats are enforcing their own quota system on both primary school systems and higher educational facilities by threatening to withhold Federal monies unless complied with. This is the same sort of quota system which Robben Fleming of the University of Michigan complained about. In this manner, HEW circumvents any need of going to Court to prove their case. The Holt Amendment would stop this administrative practice, but would have no effect on Court actions.

HEW has already announced informally that the Holt Amendment would seriously impede enforcement of Title VI of the 1964 Civil Rights Act. Secretary Weinberger would very much like to send a letter to Senator Magnuson formally opposing the Holt Amendment (Tab A).

We have suggested to Secretary Weinberger that he hold up sending his letter to Senator Magnuson pending a rapid review of the "quota versus civil rights" issue.

Bill Timmons view is that Cap should not send a letter as the Senate will probably not accept the Holt Amendment anyway, and it's pointless to get your Administration out in front on this issue at this time. OMB concurs with this view.

DECISION

NR9 Ask Cap not to send letter on Holt Amendment at this time.

 Let Cap send letter, but make sure it only reflects HEW's views.