

partment of Health, Education, and Welfare; and

(d) The Rural Electrification Administration and the Farmers Home Administration of the Department of Agriculture.

D. Citizen participation.—

(1) Any comprehensive plan for federally assisted urban development and renewal, and any comprehensive regulation adopted jointly by Federal agencies, shall provide for a citizens advisory committee, with appropriate minority representation; and

(2) The primary function of the citizens advisory committee shall be to help achieve the objective of eliminating and preventing community patterns of housing segregation.

(3) The administering Federal agency hold a public hearing prior to the approval on any comprehensive plan; and

(4) All such approved plans shall be available for public inspection on request to the administering Federal agency.

E. Effective date. The Civil Rights Act was signed into law on July 2, 1964, and therefore the title VI requirement applies to all federally assisted programs after that date. As many of the above elements as feasible shall be applied to the particular stage of development of each existing federally financed program affecting housing, and all shall be applied to all new programs.

This is not intended to be an all-inclusive list of remedies. Bold and imaginative administrators, determined to achieve the Great Society envisioned by President Johnson and endorsed by the Congress, undoubtedly will find many other affirmative ways to implement the title VI requirement that programs they oversee will not encourage, entrench, subsidize, or result in racial discrimination in housing.

V. LEGAL ENFORCEMENT OF TITLE VI OBLIGATIONS IN HOUSING

The process of change cannot and will not be painless. Some States and communities may conceivably choose to forego urban renewal, highway aid, water and sewer construction grants, and similar Federal assistance programs rather than comply affirmatively with title VI by adopting a general requirement of housing desegregation and moving toward the elimination and prevention of community patterns of racially segregated housing. But the congressional requirement is express and mandatory. Under that requirement, such agencies as the Urban Renewal Administration and the Bureau of Public Roads should now take affirmative action in States and communities receiving their assistance which continue to tolerate housing segregation.

In resorting to available remedies to enforce the affirmative requirement of title VI in the area of housing, the preferred method is, of course, that provided by the statute itself. In section 602 of the act, Congress has spelled out procedures by which Federal agencies should move to assure equal rights and benefits in the programs to which they provide assistance.

Of course, States and communities need not and should not await the compulsion of Federal agency action. Major metropolitan communities in the United States where housing segregation presently is not prohibited in both the city and its adjacent suburbs include Atlanta, Baltimore, Chicago, Dallas, Houston, Kansas City, Memphis, Milwaukee, New Orleans, Phoenix, St. Louis, San Antonio, and Washington, D.C. About 3 million Negro citizens living in these metropolitan areas presently are denied the right to desegregated housing in their communities. For these citizens the continuance of housing segregation also means continuance of slum conditions, segregation of their children in the public schools, and other unfortunate consequences of ghetto existence.

But if voluntary community action is not forthcoming, and Federal agencies do not fulfill their obligations under title VI in the area of housing, there remains the possibility of litigation brought by Negro citizens to enforce their rights under section 601 of the act. That section creates direct rights for minority citizens in its guarantee that "no person in the United States shall on the ground of race * * * be excluded from participation in, be denied the benefits of, or be subjected to discrimination under * * *" any federally assisted program.¹⁷

¹⁷ One Federal court has already held that title VI gives Negro citizens rights against discrimination in a federally assisted program. In *Lemon v. Bossier Parish School Board* (240 F. Supp. 709), the U.S. district court in Louisiana ruled that Negro children attending schools supported by Federal funds "are recipients of the rights conferred by sec. 601, and as such are entitled to bring this suit to require desegregation of the federally assisted schools."