

Mr. PATRICK. I will agree,—no, I won't agree it was a dual school system. I would agree we had separate faculty meetings, and so forth.

Mr. RICH. It was not intended for the members of one race or the other? That is what a dual school system is.

Mr. PERLMAN. That is what these guidelines are attempting to do. But you do have to work with that term, though, whether you—

Mrs. NEWTON (interposing). If we don't have it, we don't have to work with that term.

Mr. RICH. Well, you would—

Mr. PARKER. If everyone would stop talking, we would get more accomplished.

Mr. RICH. It was operated as such up until this agency started working with these school districts, and Congress has said, and the Commissioner has issued his guidelines in accordance with this, that this is what we must work to overcome, and by this definition, and this system was intentionally operating schools for one race or another, in a dual system,—and it is eliminated when there is no,—well, let's see,—when the schools are,—I don't know how obviously we can say it, but—

Mr. PATRICK. What you are saying is that we should no longer have any racial imbalance?

Mr. RICH. No, sir.

Mr. FLYNT. What is your authority for saying Congress said that?

Mr. RICH. Through the Civil Rights Act of 1965.

Mr. FLYNT. Which Title?

Mr. RICH. Title VI, sir.

Mr. FLYNT. What about Title IV?

Mr. RICH. Title IV refers to something entirely different. I don't understand the significance of Title IV with what we are talking about, the ending of the dual system.

Mr. FLYNT. Title IV says specifically that there shall be no assignment or transfer of any pupil for the purpose of overcoming racial imbalance.

Mr. RICH. I believe, sir, that there is a term of,—well, the,—overcoming racial imbalance,—yes, sir, we are talking there about the assignment of students to public schools in order to overcome racial imbalance. We are talking here about a—

Mr. FLYNT (interposing). Read it. What does it say?

Mr. RICH. Well, the definition of desegregation means the assignment of students to public schools, within such schools, without regard to their race, color, religion or national origin, desegregation shall not mean an assignment of students to public schools in order to overcome racial unbalance.

Mr. FLYNT. That is what I said.

Mr. RICH. Well, I don't understand the effect as far as Title VI is concerned. I don't think that is relevant to what we are discussing as far as a dual school system is concerned.

Mrs. NEWTON. If you are saying the Commissioner feels that we have not made reasonable progress and certain percentages of our schools being more integrated, isn't that the very crux of the matter? You are asking us to increase the number of negro students entering into our formerly all white schools, which is certainly asking for more of a racial balance, isn't it?

Mr. PARKER. You are telling us, in effect, to make some more students transfer, are you not?

Mr. RICH. No, sir, we are not. No,—we are asking you to take further steps mainly by running a minority transfer of further choice. I would also say that,—we are talking here on the one hand about Title IV, and Title VI is a separate section than this Title IV,—but I would go on further to state that the Commissioner has simply followed after what some of the Courts have said, in that there is a way of looking at how a desegregation plan is doing. He is not requiring that a certain percentage of students choose or be assigned, or whatever, from negro schools to formerly white schools, or from formerly white schools to negro schools, or any such thing. He is not requiring any racial balance. What he is requiring is that there be some substantial progress towards the ending of the dual school system, which necessarily involves some students moving across racial lines, but does not require any racial balance. Furthermore, requiring racial balance in schools is what Title IV talks about, and we are talking about a system, not a particular school. You certainly could have one school totally desegregated and another school completely segregated, and this would not be any different in our