

(c) *Elementary and Secondary schools.* The requirements of paragraph (a) . . . of this section with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system . . . (2) submits a plan for the desegregation of such school or school system which the Commissioner of Education determines is adequate to accomplish the purposes of the Act and this Regulation and provides reasonable assurance that it will carry out such plan; . . .

In order to inform school officials of the standards which a desegregation plan must meet in order to be determined adequate by the Commissioner, the Commissioner has issued school desegregation guidelines. The first guidelines, (General Statement of Policies under Title VI of the Civil Rights Act of 1964 Respecting Desegregation of Elementary and Secondary Schools) were issued in April 1965. Revised guidelines were issued in March 1966 (Revised Statement of Policies for School Desegregation Plans under Title VI of the Civil Rights Act of 1964).

The standards for desegregation plans stated in the guidelines follow closely the provisions of Federal court decisions ordering the desegregation of separate schools maintained for Negro and white children.

II

Many persons, including some school superintendents and school board members, have an erroneous view of the connection between the requirement of Title VI, as explained in the guidelines, and the law as stated in the school desegregation cases decided by the Federal courts. These persons argue that Title VI, by its terms, applies only to discrimination, but not to desegregation, which, according to this view, is a different matter. Accordingly they insist that they may properly maintain separate schools for whites and Negroes, with all-white and all-Negro faculties, as long as any requests by Negro children for admission to a white school are granted. They maintain that any provisions of the guidelines which require further desegregation are a usurpation of power by the Office of Education. These persons also argue that the guidelines are improper because they make no provision for the particular conditions and opinions which may be found in individual school districts. They believe that school officials should be able to shape their desegregation plans so as to be more in accord with the sentiments of their community.

These views, which are incorrect, have been the source of much of the misunderstanding about the propriety of the guidelines, and the responsibility of every school system to establish one system of schools for all its children.

III

Title VI was proposed to the Congress as part of the Civil Rights Act because Federally supported programs and activities, such as schools and hospitals, were still being run on a segregated basis, in defiance of the Supreme Court holding that "separate but equal" facilities were unconstitutional. In the debates on Title VI in both the House and Senate, the chief spokesmen for Title VI made it clear that Title VI applied to programs and activities which were unconstitutionally segregated. In the House debate on February 7, 1964, Representative Celler, Chairman of the Judiciary Committee, and the manager of the bill in the House stated:

In general, it seems rather anomalous that the Federal Government should aid and abet discrimination on the basis of race, color or national origin by granting money and other kinds of financial aid. It seems rather shocking, moreover, that while we have on the one hand the 14th amendment, which is supposed to do away with discrimination since it provides for equal protection of the laws, on the other hand, we have the Federal Government aiding and abetting those who persist in practicing racial discrimination.

It is for these reasons that we bring forth title VI. The enactment of title VI, will serve to override specific provisions of law which contemplate Federal assistance to racially segregated institutions. (110 Congressional Record, Part 2, 2467)

On April 7, 1964, Senator Pastore, principal spokesman in the Senate for Title VI, said much the same thing in the Senate debate.

Speaking of congressional debate, I should now like to consider a number of objections which have been offered to title VI.