In the House, a concerted attack was made on title VI as "punitive" or "vindictive." These charges are undeserved. These characterizations appear to result from the belief that title VI is intended to deny the South the benefit of social-welfare programs—that it would punish entire States for any act of discrimination committed within them. This argument merely befogs the issues. It ignores both the purposes of title VI and all of the limitations that have carefully been written into its langauge.

As is clear, the purpose of title VI is to make sure that funds of the United States are not used to support racial discrimination. In many instances, the practices of segregation and discrimination, which title VI seeks to end, are unconstitutional.

This is clearly so wherever Federal funds go to a State agency which engages in racial discrimination. It may also be so where Federal funds go to support private, segregated institutions, as the decision in the Simkins case teaches. In all cases, racial discrimination is contrary to the national policy and to the moral sensibilities of the people of this Nation. Thus, title VI is simply designed to insure that Federal funds are spent in accordance with the Constitution and our public policy. (110 Congressional Record, Part 6, 7062)

Against this background, it is clear that it would be a gross violation of the Congressional intent to interpret Title VI to permit practices declared unconstitutional by the United States courts.

IV

The landmark school desegregation case, *Brown* v. *Board of Education* 347 U.S. 483 (1954) established the principle that the maintenance of separate schools for children of different races is unconstitutional. After discussing the importance of education today and the role of state and local government in providing education, the court reached the question of whether or not segregation of children on the basis of race deprived the minority group children of equal educational opportunities. The court concluded that it did, stating:

To separate [Negro grade and high school children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . .

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. (347 U.S. at pages 494–495)

The Supreme Court then heard further arguments on the implementation of its decision and in its second opinion, one year later, left no doubt that it equated segregation in schools with discrimination. The court stated that the first *Brown* decision declared:

. . . the fundamental principle that racial discrimination in public education is unconstitutional . . . All provisions of Federal, State, or local law requiring or permitting such discrimination must yield to this principle. (349 U.S. at page 298)

The court held that there must be a prompt start in the elimination of separate schools and that the burden of justifying any delays in complying with the law was upon the school system.

These principles have been reaffirmed in a number of recent Federal court decisions. For example, in a January 1966 decision of the United States Court of Appeals for the Fifth Circuit concerning the Jackson, Mississippi school system. (*Singleton* v. *Jackson Municipal School District*, 355 F. 2d 865, 869 (C.A. 5th, Jan. 26, 1966)), the Court stated:

The Constitution forbids unconstitutional state action in the form of segregated facilities, including segregated public schools. School authorities, therefore, are under the constitutional compulsion of furnishing a single integrated school system. Administrative problems may justify an orderly transitionary period during which the system may be desegregated several grades at a time . . .

This has been the law since *Brown* v. *Board of Education*. Misunderstanding of this principle is perhaps due to the popularity of an over-simplified dictum that the Constitution "does not require integration." (Citation omitted)