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THE FEDERAL DOLLAR

AND

NONDISCRIMINATION

A GUIDE TO COMMUNITY ACTION

UNDER **TITLE VI** OF

THE CIVIL RIGHTS ACT OF 1964

The Civil Rights Act of 1964

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Sec. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Sec. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however,* That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action ter-

minating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

Sec. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

Sec. 604. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

Sec. 605. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

A Guide to Community Action Under Title VI

“**T**ITLE VI” is a phrase which will be heard increasingly in the months ahead, as new government programs are begun and old ones are reviewed. This section of the Civil Rights Act of 1964 has a clear aim: federal assistance shall not be given any program that discriminates against any individual on the ground of race or national origin.

Entitled “Nondiscrimination In Federally Assisted Programs,” Title VI says that *“no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”*

This is among the most far-reaching of all the provisions of the historic law by which Americans now seek to end discrimination in every aspect of our national, state, and local life.

The law is the culmination of years of work by many citizens and their organizations. The same drive which led to the law’s enactment must now be turned to its enforcement. The law will not work automatically. The efforts of Americans can now best be mobilized, not in a negative manner to punish, but in a positive thrust to achieve the equality of opportunity that is the nation’s goal.

Public Help Vital

NOWHERE is the aid of the public needed more than in enforcement of Title VI. However, Title VI is so comprehensive (190 federal programs

are covered by it) that the layman might be disheartened at the prospect of trying to keep track of what it does, and how it does it. Moreover, its enforcement essentially is left to the agencies and bureaus of government, federal and state, rather than to the courts. This involves regulations and procedures not familiar to the general public.

But Title VI is not an impenetrable mystery. And, like the rest of the law, it does require the understanding of the general public, both in a broad way for general support and in more detailed, technical ways for active help in achieving its ends. This is important because it is different from the other parts of the law, less simple and obvious, and because, properly functioning, it can accomplish so much.

How Title VI Works

AT THE HEART of all the regulations and procedures for making it function properly is the provision for complaints from private individuals and organizations.

In the simplest terms, Title VI says that no one may be denied participation or be subjected to discrimination while participating in any program which receives federal money or other assistance.

The programs in our national life that receive federal money or other assistance are many and varied, and they include some of the most basic institutions and activities of our society. Education, employment, agriculture, business, housing, health care, and

welfare are a few of these. In all, the Federal Government spent approximately \$15 billion in 1964 on the kind of assistance covered by Title VI.

Many of these programs receive federal aid in the form of grants to state agencies. The state agencies, in turn, administer the federal money, often combined with state funds, through a number of smaller units that are frequently—as is the case with schools—parts of a county or city government. In 1963, federal money averaged 14 per cent of the total revenue of all the states of the union, and as much as 32 per cent of the total revenue of some states.

Some kinds of federal aid often are unseen. The programs and institutions are run by state governments, or by county and city governments, as in the case of vocational education or of welfare departments. They include such things as hospitals, state mental health programs, employment security offices, agricultural extension services, and construction of highways and airports. There are also federal programs which give specialized aid to institutions largely supported by state funds—like research grants to state universities. And there are programs where the Federal Government deals directly with the city or county government—as in urban renewal, public housing, and airports—or even with private groups—as in the economic opportunity (“anti-poverty”) program.

An important distinction written into the law is that compliance is required only of the recipients of federal aid who are conducting programs for the benefit of others. A “recipient” does not include the individual who ultimately receives the financial aid or other benefit under the program. For example, an individual receiving un-

employment compensation is not a “recipient,” but the state unemployment insurance office is, and must not discriminate against applicants for assistance. A farmer receiving federal aid is not required to adopt nondiscriminatory practices in operating his farm, nor are individuals receiving veterans’ pensions or social security payments covered by Title VI.

Federal - State Cooperation

IN THE SITUATIONS covered by Title VI, the federal agencies in charge of dispensing funds or aid are charged with seeing to it that recipient state and local agencies or institutions comply with Title VI. If, acting as middle men, these state and local agencies administer funds to smaller units under them, they are supposed to see to it that these smaller units comply.

There is a long background and tradition for this interaction of the Federal Government with state agencies in administering funds designed to benefit all American citizens. The process has its roots deep in the nation’s historical efforts to achieve a working balance between state and federal power. Title VI, in its language and in the regulations drawn up to implement it, faithfully follows this tradition. Emphasis throughout the administrative procedures for enforcement is on helping the state and local agencies and institutions make necessary adjustments smoothly and voluntarily.

Only where there is evidenced open intention or action not to comply does coercion come into the process. The sanction is the obvious one in such a situation—the federal agency may withhold funds, or sue for specific performance. But even when this is deemed

necessary, the regulations allow ample room and time for negotiation and persuasion.

In short, the idea is not to cut off funds, not to punish anyone, but to gain compliance with the working operation of the law. The cutting off of funds is an ultimate weapon, not to be used lightly, but the provision for it gives teeth to Title VI.

All of this is consistent with the main thought behind the title—which is that federal spending is for the benefit of all, and this purpose is defeated when some of those whom it is designed to help are cut off from the benefits, or are given them in different, diluted form. The intent is to include everybody who should be included, on an equal basis.

Statements of Assurance or Compliance

THE REGULATIONS call for statements of assurance or compliance, which are legal contractual agreements that state or local agencies and the units under them are or will immediately begin complying. Obviously, if there is refusal to make these statements of good faith, the withholding of funds is mandatory on the part of the federal agency administering the program. So far, there seems to be little tendency toward outright refusal to cooperate. Compliance by school districts, for example, seems to have the potential of accomplishing more desegregation than years of litigation under the 1954 Supreme Court school decision.

Enforcement may become complicated after the statements of assurance or compliance have been signed. Segre-

gation and discrimination are deep-rooted and far reaching; often they exist almost without notice. Signs may come down in waiting rooms, but people may continue exerting pressure for the old, customary arrangements. Policies may be adopted and regulations read to employees, but practices may continue as they always have.

In such situations, the complaint procedure and the work of private individuals and organizations could make the difference between whether Title VI is a fiction of form or a true rendering of the national will. In all instances, such work is a necessary part of a very large cooperative effort between the federal and state governments, and their citizens.

Compliance Reviews

THE REGULATIONS call for regular reports to federal departments from state and local agencies and institutions to show the extent of compliance. These are to be confirmed by agents from the federal departments making visits, called "compliance reviews," to the local agencies and their units. The tremendous number of such visits that will have to be made and the time this will take is another indication of the need for private surveillance and checks in the meantime. There is also, of course, the importance of the viewpoint of people who are detached from the routine of governmental organization.

Complaint Mechanism

COMPLAINTS may come from a person with a particular grievance, from someone who observes what appears to be an act or pattern of dis-

crimination under one of the programs, or from people or organizations that set out systematically to check on the various programs in a city or rural area. It will be a continuing process. It will involve a determined and conscientious effort to root out the stubborn remnants of outlawed customs, and a patient effort to help those less sensitive to such things to see violations of Title VI and remedy them.

New Opportunities

IN CITIES, where such work toward equality of opportunity has been done in the past and where organizations specifically equipped for it exist, Title VI will mean new opportunities to solve many old problems. In small

towns and rural areas, where local minority leadership may be timid or intimidated, and where organization is lacking, enforcement of Title VI will be most difficult. Here, perhaps, is a new opportunity for organizations from the cities to strengthen leadership in these small town and rural areas to take advantage of the new opportunities opened up by Title VI.

Title VI has created many such new opportunities. In an age when people often complain that government is remote and inaccessible, here is an open invitation for citizens to work with their governments to achieve something that the nation wants. With the help of the people, Title VI can be one of the most significant achievements of our democratic process.

WHAT DOES TITLE VI COVER?

TO DETERMINE which local programs and institutions are receiving federal benefits covered by Title VI requirements, a community inventory may be organized under the following headings:

1. Construction Projects: Those that are financed or receive partial financing, equipment, or land from the Federal Government are covered by Title VI. While construction is being planned and while it is being carried out, checks can be made and complaints registered where there are violations of the nondiscrimination requirements. After construction is completed, the facility itself is subject to continuing Title VI compliance.

Such construction projects may include: **Airports, College Facilities and**

Dormitories, Dams, Defense Projects, Government Buildings, Highways, Lakes, Parks, Urban Renewal Projects.

All new construction proposals in your area sponsored by local and state government should be examined for Title VI coverage.

2. Public and Private Institutions: Those that receive any kind of federal aid for their operation and maintenance are covered by Title VI.

These may include: **Conservation Projects, Colleges, Defense Installations, Health Centers, Hospitals, Libraries, Medical Schools, Mental Institutions, Nurses Training Schools, Public Housing Projects, Schools.**

3. Government Services: Such services are covered by Title VI, even though operated by state, county, or

city governments, or special boards, if they receive all or part of their support or other aid from the Federal Government.

Examples of such services are: **Agricultural Extension Programs, Aids To Businesses, Apprenticeship and Manpower Training, Area Re-development, Disaster Relief, Economic Opportunity ("anti-poverty") Programs, Forest Protection, Mental Health, Public Health and Welfare, Research Grants, Rural Electrification, School Lunches, State Employment Services, Student Loans and Graduate Fellowships, Teacher Training, TVA, Vocational Rehabilitation.**

Criteria for Title VI Coverage

IN GENERAL, when you examine local institutions and activities to determine if they are covered by Title VI, you are asking these questions about each:

1. Does it receive federal grants? Yes___ No___
2. Has it received federal assistance after the first of 1965, or is it seeking any? (Loans or grants prior to 1965 are not covered, but renewals, installment payments, and subsequent loans or grants are.) Yes___ No___
3. Have there been donations of federal equipment to the program or project? Yes___ No___
4. Do federal personnel work in the project as part of their jobs? Yes___ No___
5. Is it conducted in a building or on property provided in whole or in part by federal funds? Yes___ No___
6. Does it benefit from proceeds of

federal lands or property? Yes___ No___

7. Is it part of any program or institution receiving federal assistance? Yes___ No___

8. Is it in any other way benefiting from federal assistance? Yes___ No___

If the answer to any of these questions is "Yes", then the institution or activity is covered by Title VI. Although it may be operated entirely by a state or local governmental unit, or even a private agency, it receives federal aid and therefore must not practice discrimination.

Excluded Activities

THREE CATEGORIES of federal programs are excluded from the requirements of Title VI:

1. Federal contracts of insurance, and federal contracts of guaranty. These include federally-insured bank loans and guarantees for mortgage loan repayment under some federal housing (FHA) programs.
2. Direct grants or loans, such as loans made directly to farmers by the Farmers Home Administration, or veterans' pensions, or social security payments.
3. Employment, except where the purpose of the federal program is to provide employment, as in Area Re-development projects and Economic Opportunity ("anti-poverty") programs. Title VII of the Civil Rights Law covers equal employment opportunity.

It should be noted, however, that a section of the regulations under Title VI has been interpreted as involving,

in some cases, employment practices. In examining programs and institutions, a report on whether or not employment is desegregated should be included in complaints about other matters, as well as in complaints about segregated employment alone. It would then be up to the federal agency involved to determine whether the employment question is covered for this particular program by the administrative regulations under Title VI.

Inventory of Local Programs

A SYSTEMATIC examination of Title VI coverage would involve drawing up a list of all the different activities in your community that are federally benefited. Your own sources of information and knowledge of the area will tell you some of these programs. A check with the various local offices of each of the federal agencies (listed in your telephone book) will add activities to your list, as will inquiries to state agencies.

If there are further uncertainties in your mind, or if there is lack of cooperation, you should call or write

directly to the agency's national headquarters in Washington, D. C. A list of federal departments and agencies covered by Title VI will be found starting on page 17.

A central source of information about the programs and institutions covered by Title VI in your community, and the names and addresses of persons or offices to contact for each, is the U. S. Commission on Civil Rights, 1701 Pennsylvania Ave., N. W., Washington, D. C. 20425.

Partial List of Major Federal Programs

TO HELP you begin your local inventory, there follows an illustrative list of the most commonly found programs benefited by federal assistance. It will also suggest appropriate inquiries about specific local institutions. For example, if a hospital receives neither Hill-Burton aid nor federal research grants, it still may be covered because it receives federal funds through the local public welfare agency for care of indigent patients.

Executive Office of the President

Office of Emergency Planning

Disaster Relief and Repairs

Office of Economic Opportunity ("anti-poverty" program)

Youth Programs (Job Corps, Work-Training, Work-Study)

Community Action Programs (Slum Clearance, Remedial

Education, Adult Education, Voluntary Aid to

Needy Children)

Programs to Combat Poverty in Rural Areas (Loans to

Rural Families, Programs for Migrant Farmworkers,

Indemnity Payments to Farmers)

Employment and Investment Incentives (Loans to Small Business)

Work-Experience Programs (For Needy Persons Receiving

Public Assistance)

Assignment of Volunteers in Service to America (VISTA)

Department of Agriculture

Agricultural Marketing Services
 Agriculture Commodity Distribution
 School Lunch and Milk Program
Farmers Home Administration Services
Soil Conservation Services
Federal Extension Services
Rural Electrification and Telephone Programs
Price Support Programs
Cooperative State Research Programs
Food Stamp Program
Agricultural Experiment Stations
Research Assistance to Educational and Other Institutions

Department of Commerce

Area Redevelopment Programs
 Public Works Acceleration
 Aid to Small Businesses
Highway Construction
Assistance to Support Mobile Trade Fairs
Research Assistance to Educational and Other Institutions

Department of Defense

National Guard (Army and Air Force)
Loan of Surplus Property
Civil Defense Activities
Civil Air Patrol
Research Assistance to Educational and Other Institutions

Department of Health, Education, and Welfare

Office of Education Programs
 Vocational Education
 Land-grant Colleges
 Higher Education Facilities Construction
 Student Loans at Institutions of Higher Education
 Graduate Fellowships, Traineeships, and Institutes
 Public School Construction and Maintenance in Federally
 Impacted Areas
 Library Services and Construction
 Donation of Surplus Properties for Education, Public
 Health, and Civil Defense

Public Health Services

- Community and Environmental Health Activities
- Community Health Practice, including Clinics and Research
- Hospital and Medical Facilities Construction, Technical Assistance,
Research and Demonstrations (Hill-Burton Program)
- Nurse Training and Nursing Research

National Institutes of Health Programs

Vocational Rehabilitation Programs

Welfare Services

- Public Assistance
- Child-Welfare Services
- Maternal and Child Health Services
- Other Health and Welfare Programs

Research Assistance to Educational and Other Institutions

Department of the Interior

Indian Affairs

Payments for School and Road Assistance in Counties with
Federal Land

Granting of Leases and Other Privileges on Federal Land

Disposition of Land at less than Market Value

Other Activities Related to the Use of Federal Lands,
including Parks, Territories, Wildlife Refuges,
Fish and Game Preserves, Etc.

Department of Labor

Manpower, Apprenticeship, and Training Activities

State Employment Services

Unemployment Compensation

Work-Training Programs

Research Assistance to Educational and Other Institutions

Department of State

Cultural Exchange Programs

Assistance to Refugees

Donations of Foreign Language Tapes and Other Educational Materials

Agency for International Development Grants to Organizations
and Institutions

Department of the Treasury

Coast Guard

- Leases, Permits, Licenses, Easements, and Other Uses
of Coast Guard Property

- Maritime Instruction and Training and Other Utilization
of Coast Guard Personnel

Disposal of Materials to Sea Scouts, Coast Guard Auxiliary,
and Non-Profit Organizations
Research Assistance to Educational and Other Institutions

Atomic Energy Commission

Atomic Energy Research, Training, and Equipment in Universities
and Hospitals
Payments to State and Local Governments in Lieu of Property Taxes

Civil Aeronautics Board

Compensations to Air Carriers

Federal Aviation Agency

Acquisition of Land for Airports
Airport Construction

General Services Administration

Transfer of Surplus Property for Airport, Park or Recreation,
Historic Monument, Wildlife Conservation, or Street
Widening Purposes
Loan of Machine Tools to Non-Profit Institutions or Training Schools
Donation of Personal Properties to Charitable Institutions,
the American Red Cross, and Public Bodies
Allotment of Space to Federal Credit Unions
Grants for Compiling and Publishing Historic Documents
Disposal of Property for Education or Public Health
Provision of Free Space for Vending Stands Operated by Blind Persons

Housing and Home Finance Agency

Urban Renewal Projects
Public Housing Projects
College Dormitory Construction Loans
Senior Citizen Housing
Municipal Gas Works
Public Sewer Systems

National Aeronautics and Space Administration

Research Grants and Contracts to Universities and Other Organizations

National Science Foundation

Scientific Research Grants and Science Teacher Training in
Universities and Hospitals
Donation of Equipment to Public Schools

Small Business Administration

Small Business Development Company Loans
Small Business Studies, Research, and Counseling

Tennessee Valley Authority

Transfers, Leases, and Licenses of Property to Public Agencies
for Development for Public Recreation
Cooperative Resource Development Programs
Test Demonstration Farms for Fertilizer Experiments

Veterans Administration

Payment to State Homes
State Home Facilities for Furnishing Nursing Care

A complete list of the programs covered by Title VI, and the governing regulations, may be found in the FEDERAL REGISTER, Vol. 29, No. 236, Part II, December 4, 1964; Vol. 29, No. 254, Part II, December 31, 1964; and Vol. 30, No. 6, Part II, January 9, 1965.

When you have developed a profile of the activities and institutions covered by Title VI in your area, you are in a position to begin a systematic check for compliance.

HOW TO CHECK FOR COMPLIANCE

THE REGULATIONS drawn up under Title VI make it clear that nothing short of complete equality in all aspects of federally assisted programs and institutions is required. The regulations detail the different kinds of discrimination that must be avoided. These must not occur because of race, color, or national origin:

1. Persons are *denied* services, financial aid or other benefits.
2. Persons are provided with federal benefits that are *different* from what others receive, or are provided in a *different manner*.
3. Persons are subjected to *segregation* or *separate treatment*.
4. Persons are *restricted* in the full

enjoyment of federal benefits, while others are not. (This can be subtle, but generally it would involve such situations as making a lounge in a hospital, or a library, available to minority groups only at certain hours.)

5. Persons are treated differently in determining whether they satisfy *admission, enrollment, quota eligibility, membership* or *other requirement* or *condition*.

6. Persons are denied an opportunity to provide their *services* or *property* to the federally assisted activity or institution, or are offered the opportunity in a different manner.

7. Persons are denied the opportunity to participate as *contractors* or

sub-contractors in a federally assisted project.

8. Persons are subjected to discrimination by criteria or methods of administration that accomplish *indirectly* what is prohibited directly.

To determine that none of these discriminations is taking place in the Title VI activities and institutions in your area, you will be involved in testing, observation, and interviews—the latter with both those in charge and the people who participate (that is, those who work in the program or institution, or receive services or benefits).

You will be attempting to determine that there is compliance: (a) in the physical facilities; (b) among the personnel and in the administrative procedures; and (c) in the providing of services.

The following check list is suggested

for each one of the activities and institutions in your Title VI community inventory, for general use as one approach to a systematic examination for compliance. **This is not to be filled out and sent to anyone.** It is suggested merely as one kind of work sheet that might be used in making checks and as the basis for preparing complaints, if violations of Title VI are found.

There is no requirement of confidentiality about any information relating to compliance with Title VI; in fact, the regulations provide that information shall be made available to "participants, beneficiaries, and other interested persons." If state or local officials in charge of Title VI programs, or heads of federally benefited institutions, refuse to answer your questions, or are evasive or non-cooperative, this alone is valid reason for filing a complaint.

TITLE VI COMPLIANCE CHECK LIST

Name of Institution or Service:

Type of Facility: Construction Project _____ Public or Private
Institution _____ Government Service _____

How Covered by Title VI:

Statement of Assurance or Compliance Submitted: Yes _____ No _____
If No, give details:

Person(s) Interviewed:

I. Physical Facilities

1. In a construction project, was selection of location and bid procedure free of restrictions that would prevent anyone offering his services or property?
Yes _____ No _____ If No, give details:

2. In a private or governmental institution, or an office for services, check all facilities available to the public—water fountains, rest rooms, restaurants and other leased facilities, waiting lines, service desks, and anything else that serves the people who use the facility:

Check If Any Is:	Not Available To All	Not Available In Same Manner	Segregated	Restricted
Water Fountains				
Rest Rooms				
Waiting Rooms				
Waiting Lines				
Leased Facilities				
Service Desks				
Offices				
Entrances				
Elevators				
Other				

Details on any items checked:

II. Personnel

1. If a program is administered by a special board (as in the "anti-poverty" program), were members selected without discrimination? Yes____ No____

If No, give details:

a. Were persons selected to represent minority groups acceptable to sizeable segments of the minority community?

Yes____ No____

If No, give details:

b. Do all board members, including minority group representatives, meet together regularly? Yes____ No____

If No, give details:

2. Are jobs or staff positions or professional participation based on a difference in treatment or eligibility (as making it necessary for a doctor to belong to a medical society that is segregated in order to practice in a hospital)?

Yes____ No____

If Yes, give details:

3. Wherever services are contracted out, were contractors selected without discrimination? (This may include doctors, nurses, technicians, as well as restaurant operators, caterers, vendors, etc.) Yes____ No____

If No, give details:

a. Are contractor employees treated without discrimination in all phases of employment (hiring, layoff, training, upgrading, transfer, rates of pay, etc.)?

Yes____ No____

If No, give details:

4. Since it is difficult for the layman to determine whether or not jobs are covered by Title VI, the following information should be recorded and reported, insofar as possible, for all jobs connected with the Title VI institution or activity:

a. Does the agency or institution treat job applicants or employees without discrimination in all phases of employment (hiring, layoff, training, upgrading, transfer, rates of pay, etc.)? Yes____ No____

If No, give details:

b. Are employees segregated in any manner (buildings, offices, restrooms, eating facilities, recreational areas, training, etc.)? Yes____ No____

If Yes, give details:

III. Services

1. If the institution or service is open to the general public (as at an airport, employment office, library), determine by observation, testing, and interviews if all parts, facilities, and services within it are available:

In the same manner? Yes____ No____ If No, give details:

Without segregation? Yes____ No____ If No, give details:

Without restrictions? Yes____ No____ If No, give details:

2. If participation is through application for membership (as in a library) or by eligibility (as in public welfare), determine by observation, testing, and interviews if:

Any applicants are excluded? Yes____ No____

If Yes, give details:

Any applicants are segregated? Yes____ No____

If Yes, give details:

Any applicants are treated separately? Yes____ No____

If Yes, give details:

Any applicants are restricted? Yes____ No____

If Yes, give details:

Any applications are segregated for processing? Yes____ No____

If Yes, give details:

Any applications are denied because of race, color, or national origin?

Yes____ No____

If Yes, give details:

Any admissions are based on a difference for quota eligibility, membership, or other requirement or condition? Yes____ No____

If Yes, give details:

3. Determine by testing, observation, and interviews if personnel of the institution or service treat all:

In the same manner? Yes____ No____ If No, give details:

Without segregation? Yes____ No____ If No, give details:

Without restrictions? Yes____ No____ If No, give details:

a. If the staff is integrated, do minority group staff members serve only minority group clients? Yes____ No____

If Yes, give details:

4. Where facilities or services are used predominantly by a minority group, are the facilities and services in fact equal (equipment, technical assistance, access to information, training opportunities, casework load, participation in planning and decision-making, etc.)? Yes____ No____

If No, give details:

In such a general guide to compliance, obviously it is not possible to delve into the fine details of each separate program covered by Title VI. The suggested observation, testing, and interviewing will more likely ferret out the varied and subtle manifestation of discrimination if carried out by a biracial team sensitive to and experienced in local customs and practices.

WHAT TO DO ABOUT NONCOMPLIANCE

PPRIVATE CITIZENS and voluntary organizations enter into the administrative procedures for enforcing Title VI by filing complaints that some institution or activity covered by the regulations is practicing discrimination.

A typical regulation covering this vital phase says: *"Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by the regulations in this part may by himself or by an authorized representative file with the Secretary or any Agency a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the Agency or the Secretary."*

In preparing a complaint, the following should be noted:

1. The complaint must be in written form. This could be a simple telling of the act or pattern of discrimination: what happened, when, where, by whom, and to whom. The information derived from the preceding check list may be used as a basis for reporting the complaint. It should, of course, be signed.

2. The complaint may be submitted not only by a person who feels he has been discriminated against, but also by someone who knows about the discrimination, or by someone (including

an organization) who is an authorized representative of either.

3. The complaint must be filed not later than 90 days after the act of discrimination occurred, unless the time is extended, as set out in the regulations.

4. As the most direct, and likely most effective approach, it is suggested that the complaint be sent to the chief officer of the federal department or agency administering the particular program—the Secretary of Agriculture, the Director of the National Science Foundation, etc. Normally, you probably will wish to send a copy to the local or state official in charge of the program.

It is recommended that a copy of each complaint be sent also to the U. S. Commission on Civil Rights, which will follow through with inquiries about its progress.

The Complaint Procedure

THE COMPLAINT PROCEDURE was established to enable citizens to start the administrative process that could end in the cutting off of federal funds to the offending agency or activity, but which preferably would result in an end to the discrimination.

An investigation of the complaint is

conducted ("promptly," say the regulations) by the concerned federal agency. If it fails to substantiate the complaint, the complainant must be notified in writing. If it substantiates the complaint, efforts are made informally to end the discrimination. If these fail, a hearing is scheduled. The accused unit is given adequate time to prepare for the hearing.

The hearing is conducted by officials of the federal agency. If the local unit is found to have violated Title VI, it may appeal this finding to the head of the federal agency. If he upholds the finding, he orders the funds to the particular unit cut off. This order would apply only to the offending unit—a school district, for example, not the entire school system; a single hospital, not all the hospitals in the state.

The funds cut-off order does not go into effect until 30 days after appropriate committees of Congress are notified that such a determination has been made. In the meantime, the local

unit may appeal the finding in federal court.

The regulations require that as far as possible identity of complainants and witnesses will be protected. Any threats, intimidations, coercions, or reprisals are prohibited by Title VI. The regulations also require that information about Title VI procedures be made available by the federal agencies and local beneficiaries to the general public.

Exact procedures in this process will probably vary from department to department of the Federal Government. Private citizens and organizations should not be content merely with making a complaint. There should be follow-up inquiries about progress of the complaint.

It should be obvious that complaints must be soundly based and reflect a legitimate and well-documented case. The most useful complaints are those that establish a pattern of discrimination.

Where to Write

THE LIST of federal programs starting on page 8 is arranged under the various departments and agencies having jurisdiction over these programs. Complaints about any particular program should be addressed to the head of the department or agency. Thus, for any programs listed under the:

Department of Agriculture
Commerce
Defense
Health, Education, and Welfare
Interior
Labor
State
Treasury

write to: The Secretary of
Washington 25, D. C.

Dear Mr. Secretary:

The addresses of the other agencies are as follows:

The Chairman
Atomic Energy Commission
Washington, D. C. 20545

The Chairman
Civil Aeronautics Board
1825 Connecticut Ave., N. W.
Washington, D. C. 20428

The Administrator
Federal Aviation Agency
800 Independence Ave., S. W.
Washington, D. C. 20553

The Administrator of General Services
General Services Building
Eighteenth and F Streets, N. W.
Washington, D. C. 20405

The Administrator
Housing and Home Finance Agency
1626 K Street, N. W.
Washington, D. C. 20410

The Director
Office of Economic Opportunity
1200 Nineteenth Street, N. W.
Washington, D. C. 20036

The Director
Office of Emergency Planning
Executive Office Building Annex
(Winder Building)
Washington, D. C. 20504

The Administrator
National Aeronautics and Space Administration
Washington, D. C. 20546

The Director
National Science Foundation
1951 Constitution Ave., N. W.
Washington, D. C. 20550

The Administrator
Small Business Administration
811 Vermont Ave., N. W.
Washington, D. C. 20416

The Chairman
Tennessee Valley Authority
New Sprinkle Building
Knoxville, Tenn. 37901

The Administrator of Veterans Affairs
Veterans Administration
Vermont Ave. bet. H and I Streets, N. W.
Washington, D. C. 20420

The Staff Director
U. S. Commission on Civil Rights
1701 Pennsylvania Ave., N. W.
Washington, D. C. 20425





THE POTOMAC INSTITUTE, INC.

1501 Eighteenth Street, N.W.

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